Director’s update

Tariq Hafiz
Group Director, Technology Center 3600
June 9, 2021
Patents customer partnership meetings

Patents customer partnership meetings (CPM) are built upon the engagement of both internal and external stakeholders to provide enhanced communication channels. This provides a valuable opportunity for our external stakeholders to meet directly with USPTO representatives in a collaborative forum.
Patents customer partnership meetings

For information concerning other CPMs that are being held here at the USPTO you can visit:

https://www.uspto.gov/patent/cpm
Patents customer partnership meetings

- Attendees tell us the customer partnership meetings are valuable, below is some feedback from past partnership events.
  - "The one-to-one contact is important. I enjoy getting to know the supervisors, directors, and examiners. They are a great resource, and it makes it easier to work together going forward."
  - "The variety of the perspective you get at a CPM is greater than you would at any other conference because we have people from different industries in addition to the examiner’s perspective on top of that."
  - "The interaction with the patent examiners and letting them know how important their job is to the work that we do and the country as a whole, in terms of the economy and company creation, is very valuable. I also like to hear from the USPTO what are the things that practitioners could do better that helps examiners do their jobs."
Welcome external speakers

Steven I. Wallach  
Of Counsel, Radulescu LLP

Elizabeth Chien-Hale  
Partner, Appleton Luff
Where are you joining us from?

- Throughout the day we will be checking to see where our participants are joining us from.
- Let us know via the following link: https://j.mp/3v9fNjM
- After you open the link:
  - Click Additions → Add Marker – Simple
  - Enter your city or town.
Business Methods

Select from the following for more information on this page
Highlights  Prior partnership meetings  Statistics  Guidance and training materials  Outreach opportunities and presentations  Examiner decision making process  Contact us

The Business Methods Practice Area is part of Technology Center 3600 that handles Business Methods applications. In the Business Methods Practice Area, there are three workgroups. The 3520 and the 3680 workgroups examine applications pertaining to incentive programs, coupons; operations research; electronic shopping; health care; point of sale, inventory, accounting; cost/price, reservations, shipping, and transportation; and business processing. The 3590 workgroup examines applications pertaining to finance/banking/insurance.
Business methods subject matter areas

- Incentive programs, coupons, and advertisement
- Operations research and analysis
- E-shopping
- Healthcare
- Business processing, electronic negotiation (miscellaneous)
- Point of sale, inventory, accounting
- Cost/price, reservations, shipping, transportation
- Business cryptography and voting
- Insurance, banking, and finance
# Business methods art units and SPEs

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**Title**  
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**Specialist**  
Kimberly Berona  
Peter Choi (Acting)  
Beth Boswell  
Jami Plucinski  
Marc Kimenez  
William Bradenburg

**Art Description**  
Point of Sale, Inventory, Accounting  
Operations Research  
Incentive Programs, Coupons  
Health Care  
Business Cryptography, Voting  
Insurance, Banking and Finance

**Director**  
Tariq Hafiz  
Peter Choi (Acting)
Business Methods

Statistics
Filing trends in business methods

Applications Filed

- Serial Filings
- RCE Filings

Fiscal Year

Business methods allowance rates

![Graph showing business methods allowance rates from 2011 to 2020. The graph compares allowance rates with and without RCE Disp.](image-url)
Business methods staff

Number of Examiners vs Fiscal Year

- Number of Examiners increases from 2011 to 2020.
- The number of examiners ranges from approximately 300 to 500.
- There is a slight decrease in 2014.
- A steady increase from 2011 to 2017.
- A more pronounced increase from 2017 to 2020.
Business methods RCE progress

![Graph showing RCE progress](image)

- **Total RCE Inventory**
- **RCEs < 4 Months**
- **RCEs over 5 Years**

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Business Methods

Search guidance update
Search guidance update

• The new examiner performance appraisal plan (PAP) has indicia directed to searching and prior art, including both planning field of search and conducting search.

• These changes were developed to encourage examiners to find the most relevant references early in the examination process. A thorough and complete search at the time of the first action on the merits is the most efficient usage of examination time.

• The new performance evaluation plan acts as a roadmap to improved patent quality by providing examiners with exemplary practices for searching.
Planning field of search – thorough and complete

The best practices for a thorough and complete search include:

• Using the databases that are most likely to contain the most pertinent prior art.
• Identifying classification areas most likely to contain relevant prior art.
• Using as many synonyms as reasonably possible in text searches.
• Combining search queries efficiently.
• Expanding the search queries and databases as necessary.
Conducting search – reasons

• A well-conducted search increases the reliability of granted patent rights by ensuring potential prior art have been cleared of relevant prior art.
• This provides confidence to the patent holder and the public that the likelihood that undiscovered relevant prior art will later emerge is *de minimis*.
• We have to complete the search to find the most relevant references.
Search guidance update

• **Objective**
  – Renewed focus on planning field of search and conducting search in accordance with the new examiner performance appraisal plan (PAP).

• **How**
  – Provide reinforced guidance to examiners to ensure the three required reference sources (US patent documents, foreign patent documents, Non-Patent Literature (NPL)) are considered.
    • These reference sources should be searched at the time of first office action.
  – Provide reinforced guidance to examiners to determine the best tools to use for each reference source.
  – Help examiners to develop search strategies appropriate for the selected tool(s).
  – Provide reinforced guidance concerning documenting the search.
Business Methods

Pendency initiatives
Pendency initiatives – oldest case

• **Objective**
  – To provide supervisory oversight to the oldest pending cases in the business methods workgroups.
  – To address cases that have been pending for more than 5 years.

• **How**
  – Managers are reviewing the prosecution history of the oldest pending cases in their art units to resolve any outstanding issues and advance prosecution.

• **Results**
  – This initiative resulted in a proactive approach that improved pendency and customer satisfaction.
  – Examiners received the assistance, when necessary, to advance prosecution.
Pendency initiatives – oldest case

Number of cases reviewed

- FY2020: 140
- FY2019: 125
- FY2018: 120

Disposal of cases reviewed

- FY2020: 40%
- FY2019: 30%
- FY2018: 20%

Legend:
- % Awaiting PTAB Decision
- % Disposed
Pendency initiatives – outlier review

• **Objective**
  – To reduce rework and support compact prosecution.
  – To increase consistency in decision making and identify applications where the examination process is not proceeding as typically expected.

• **How**
  – Reporting tools are being used to identify outlier behavior suggesting that the examination process is not proceeding as typically expected.
  – Cases are being sampled to determine if there are any trends or concerns.
  – Training is being developed based on the noted trends.

• **Results**
  – This effort is ongoing in Fiscal Year (FY) 21.
Pendency initiatives – total pendency

• **Objective**
  – To focus on total pendency throughout the fiscal year.

• **How**
  – Take a holistic and comprehensive look at total pendency patent term adjustment (PTA) compliance.
  – Quality Assurance Specialist (QAS) and SPEs are looking into applications with longer prosecution histories.

• **Results**
  – This effort is ongoing in FY21.
Pendency initiatives – RCEs

- **Objective**
  - To lower overall RCE inventory.

- **How**
  - RCE inventory is tracked with focus on:
    - Total RCE inventory, inventory of RCEs < 4 months, RCEs pending 5 or more years.
    - SPEs are monitoring RCE inventory and receive regular reports of progress.

- **Results**
  - This effort is ongoing in FY21.
Pendency reduction tips for practitioners

Tips to help reduce pendency and expedite prosecution:

• Avoid filing overly broad claims.
• Submit a manageable number of claims.
• Reach out to the examiner in an effort to resolve issues via an interview.
• Be aware that “testing the market” by filing multiple consecutive RCEs may slow prosecution.
• Make sure claims, drawings, and specification are clear and complete.
• Provide all pertinent arguments early in prosecution.
Business Methods

Assistance and resources
Patents ombudsman program

The patents ombudsman program enhances the USPTO’s ability to assist applicants or their representatives with issues that arise during patent application prosecution.

It is recommended that practitioners start with the Examiner and/or the supervisor before contacting the patents ombudsman if there is a breakdown in communication.

Contact info:

- Email: PatentsOmbudsmanProgram@uspto.gov
- Website: www.uspto.gov/patents/ombudsman-program
- Phone: 571-272-5555 or 1-855-559-8589 (toll free)
Interview specialist

Interview specialists are subject matter experts in each Technology Center (TC) on interview practice and policy. They are available to assist both applicants and examiners.

Contact info:

- Email: ExaminerInterviewPractice@uspto.gov
Inventors Assistance Center (IAC)

The IAC provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and primary examiners who answer general questions concerning patent examining policy and procedure.

**Contact info:**

- Phone: 571-272-1000 or 1-800-786-9199 (toll free)
Call for topics, presenters and panelist

If you are interested in participating in a future partnership meeting or have ideas for future topics please email us your contact information along with potential discussion topics.

Email: BusinessMethods@uspto.gov or fill out the speaker interest form on the Business Methods website