Clarity of the Record Pilot

Excerpted from the Patent Quality Community Symposium
April 27, 2016

This program is to develop best examiner practices for enhancing the clarity of various aspects of the prosecution record and then to study the impact on the examination process of implementing these best practices.
Clarity of the Record Pilot: Short-Range Goals

• Enhancing the clarity of the prosecution record
• Providing a deeper understanding of the Office’s positions leading to more efficient prosecution of patent applications
• Affording greater certainty in the scope of protection granted by the patent

Clarity of the Record Pilot: Long-Range Goals

• Identify best practices
• Find the correct balance for appropriate recordation
• Use data/feedback to assist other quality-enhancing programs, such as:
  – in the refinement of Clarity and Correctness Data Capture known as the Master Review Form (MRF)
  – for use in conjunction with the Post Grant Outcomes Program
Clarity of the Record Pilot:
Program Overview

• Collaborated with examiners to develop a Pilot
• Pilot runs for 12 bi-weeks (~6 months)
  – March 6 – August 20, 2016
• Enhancing recordation in the examination process

Clarity of the Record Pilot:
Areas of Focus

• Enhanced documentation of claim interpretation
• More precise reasons for allowance
• More detailed interview summaries
• Pre-search interview at the examiner’s option
Clarity of the Record Pilot: Current Participants

- Examiners
  - Approximately 130 participants
  - GS 11-15, with at least two years of experience
  - Randomly selected individuals, who met the requirements for participation, were invited to volunteer for the pilot

- Supervisors (SPEs)
  - Approximately 45 participants

Clarity of the Record Pilot: Examiner Participant Duties

- Attend Pilot-specific training and quality enhancement meetings (QEMs)
- Enhance clarity of Office actions for applications in the pilot
- Record amount of time spent enhancing clarity
Clarity of the Record Pilot: Supervisor Participant Duties

• Manage Pilot-specific QEMs and group training
• Review Office actions using a pilot-modified Master Review Form (MRF)
• Provide individual feedback and assistance

Clarity of the Record Pilot: Evaluation

• Anticipate to include at least 2,000 applications
  – Over 650 interviews during the Pilot to date
  – Over 700 allowances during the Pilot to date

• Statistical data will be gathered from:
  – Reviews of Pilot and control Office actions using the pilot-modified Master Review Form
  – Amount of time recorded by examiners for enhancing clarity
  – Surveys of Pilot examiners and supervisors
Clarity of the Record Pilot: Impact

- While examiner analysis of a patent application has not changed, recordation is being enhanced.
- The training for the Pilot has increased examiner awareness among the participants on providing a clear record.
- USPTO will evaluate the impact that the Pilot's areas of focus have on achieving greater clarity of the record.