

Clarity of the Record Pilot

*Excerpted from the Patent Quality Community Symposium
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Clarity of the Record Pilot: Purpose



- 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.



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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



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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

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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



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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



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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



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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



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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



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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



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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

