UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

Patent Quality Chat:
Measuring Patent Quality

Patent Quality Chat
Webinar Series 2015 (3 of 6)
August 11, 2015

UNITED STATES
PATENT AND TRADEMARK OFFICE
uspto

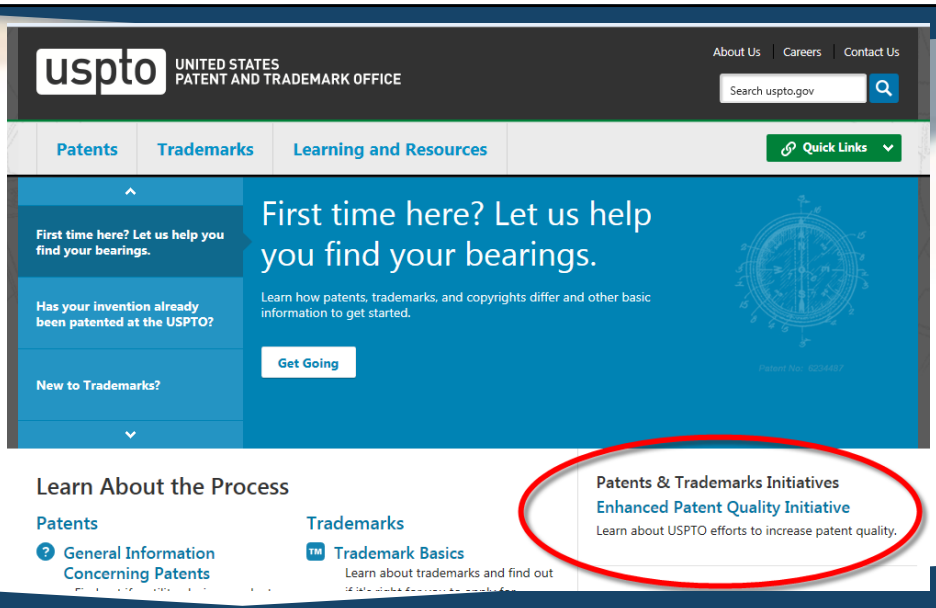
2

To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov

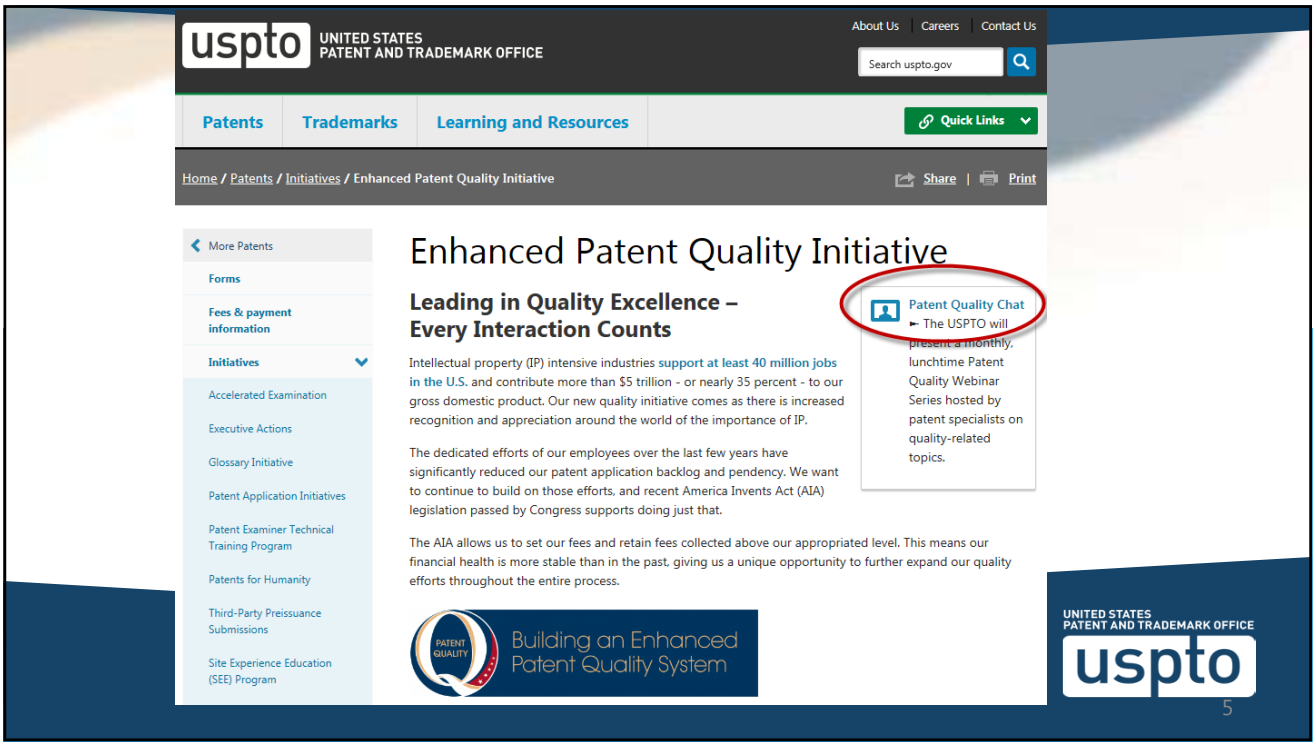
UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

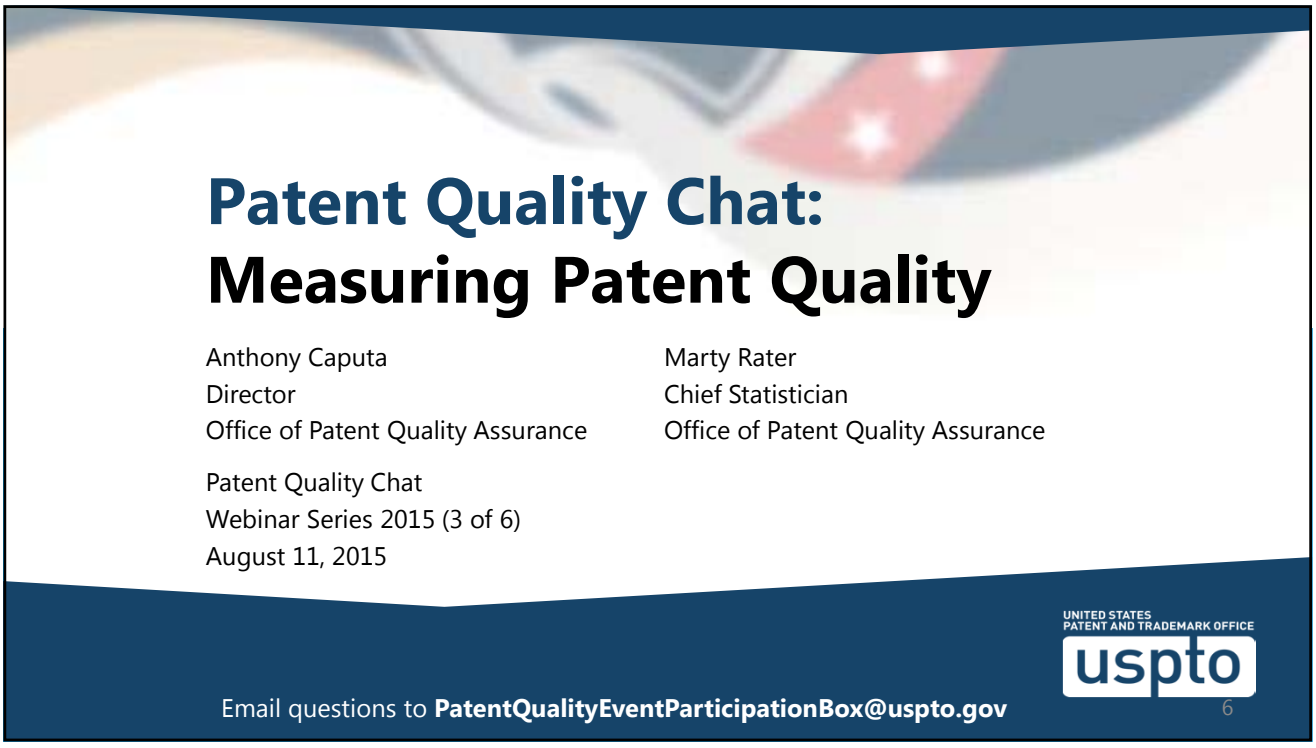
3



UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

4


uspto
UNITED STATES PATENT AND TRADEMARK OFFICE
About Us | Careers | Contact Us
Search uspto.gov
Patents
Trademarks
Learning and Resources
Quick Links
Home / Patents / Initiatives / Enhanced Patent Quality Initiative
Share | Print
More Patents
Forms
Fees & payment information
Initiatives
Accelerated Examination
Executive Actions
Glossary Initiative
Patent Application Initiatives
Patent Examiner Technical Training Program
Patents for Humanity
Third-Party Preissuance Submissions
Site Experience Education (SEE) Program
Enhanced Patent Quality Initiative
Leading in Quality Excellence – Every Interaction Counts
Intellectual property (IP) intensive industries support at least 40 million jobs in the U.S. and contribute more than $5 trillion - or nearly 35 percent - to our gross domestic product. Our new quality initiative comes as there is increased recognition and appreciation around the world of the importance of IP.
The dedicated efforts of our employees over the last few years have significantly reduced our patent application backlog and pendency. We want to continue to build on those efforts, and recent America Invents Act (AIA) legislation passed by Congress supports doing just that.
The AIA allows us to set our fees and retain fees collected above our appropriated level. This means our financial health is more stable than in the past, giving us a unique opportunity to further expand our quality efforts throughout the entire process.
Patent Quality Chat
The USPTO will present a monthly, lunchtime Patent Quality Webinar Series hosted by patent specialists on quality-related topics.
PATENT QUALITY
Building an Enhanced Patent Quality System
UNITED STATES PATENT AND TRADEMARK OFFICE
uspto
5


Patent Quality Chat:
Measuring Patent Quality
Anthony Caputa
Director
Office of Patent Quality Assurance
Marty Rater
Chief Statistician
Office of Patent Quality Assurance
Patent Quality Chat
Webinar Series 2015 (3 of 6)
August 11, 2015
UNITED STATES PATENT AND TRADEMARK OFFICE
uspto
Email questions to PatentQualityEventParticipationBox@uspto.gov
6

Chat Overview

- OPQA Structure
- Work Product Reviews
- Surveys
- Examiner Transactional Data
- Quality Composite
- Next Steps

uspto

Office of Patent Quality Assurance

UNITED STATES
PATENT AND TRADEMARK OFFICE
uspto

Office of Patent Quality Assurance (OPQA)

- OPQA is responsible for the overall assessment and measurement of patent *examination* quality at the USPTO.
  - Measurement accomplished through:
    - work product reviews;
    - administration of satisfaction-based surveys; and
    - analysis of examiner transactional data

uspto

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

9

Office of Patent Quality Assurance (con't)

- 53 Review Quality Assurance Specialists (RQAS)
  - Former primary examiners with demonstrated skills in examination quality, productivity, efficiency, mentoring and training
    - Avg. 22 years patent examination experience
  - Tasks include review of examiner work product, training, mentoring, and serving as subject matter experts
    - Assigned to specific technology in which they have examination experience

uspto

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

10

Office of Patent Quality Assurance (con't)

- RQAS Duties:
  - 75% of time dedicated to review of work product
  - 25% of time providing Technology Center training and assistance
- 6 Supervisory RQAS (SRQAS) oversee the RQAS
  - Ensure consistency among reviewers
  - Validate issues raised and interact with Patent Corps
- Statisticians and program analysts

uspto

Measuring Quality Through Work Product Reviews

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

Work Product Reviews

- Randomly selected Office Actions to ensure that any metric we generate represents a true picture of all patent corps work product

uspto

Work Product Reviews (con't)

- Key metrics derived from work product reviews:
  - Final Disposition Compliance Rate
    - Measures correctness of the final determination made by an examiner – either the decision to allow a patent or finally reject it
    - Review for improper or omitted rejections, improper finality, failure to treat arguments
  - In-Process Compliance Rate
    - Measures correctness and reasonableness of Office Actions during prosecution (non-final actions)
    - Review for improper or omitted rejections, improper restriction practice, failure to treat arguments, and other issues that may significantly inhibit the advancement of prosecution

uspto

Other Work Product Reviews

- First Action on the Merits (FAOM) and Search:
  - Implemented in 2011 to better capture quality at initial stages of prosecution
  - Provides more insight into clarity issues than normal compliance reviews
    - Key focus of current quality initiative
- Targeted Reviews
  - Ad hoc reviews to assist in evaluating the effectiveness of training and the impact of programs on quality
    - e.g., 101 rejections, use of 3rd party art submissions, restriction practice

uspto

Measuring Quality Through Surveys

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

Internal Quality Survey

- Conducted semi-annually
- Measures patent examiner satisfaction with various factors that lead to the ability to perform high quality patent examination
  - Evaluates overall **examiner** experience in past 3 months with respect to:
    - Office-related factors: tools, training, etc.
    - Applicant-related factors: incoming patent applications, applicant responses, etc.

uspto

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

17

External Quality Survey

- Conducted semi-annually
- Measures applicant and practitioner satisfaction with patent examination quality
  - Evaluates overall **applicant** experience in past 3 months with respect to:
    - Consistency
    - Reasonableness of rejections
    - Adhering to rules and procedures

uspto

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

18

Measuring Quality Through Analysis of Examiner Transactional Data

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

Quality Index Reporting (QIR)

- Statistical analysis of data representing examination events (examiner trends) occurring during prosecution
  - Data taken from the USPTO internal database
- Statistical analysis identifies outlier populations that can signal the presence of quality or procedural issues that represent best practices or opportunities for improvement
- Typically a process-based evaluation of quality rather than an end-product inspection

Patent Quality Chat

uspto

Using the Data We Collect

Uses of Quality Data

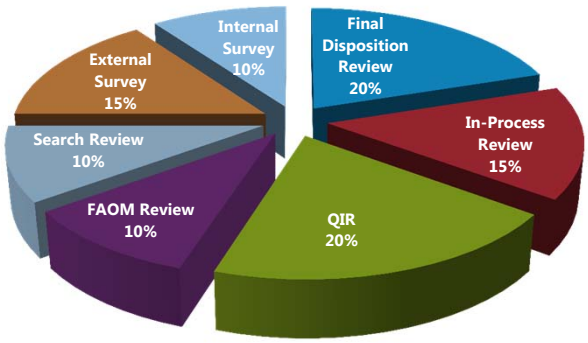
- In addition to generating metrics of quality to gauge performance, USPTO uses OPQA data to:
  - Develop training
  - Measure effectiveness of training
  - Determine the impact of PTO programs on quality
    - Telework programs, etc.

Putting it all together…

Quality Composite

- In 2011, USPTO implemented a Quality Composite in an attempt to consolidate the wide variety of quality metrics and generate a single index that could be used to quickly assess progress towards Office goals.

Quality Composite Items and Weights



Let's Chat about…
Measuring Patent Quality

Anthony Caputa
Director
Office of Patent Quality Assurance

Marty Rater
Chief Statistician
Office of Patent Quality Assurance

Patent Quality Chat
Webinar Series 2015 (3 of 6)
August 11, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

25

Thank you for joining us today!

Patent Quality Chat
Webinar Series 2015 (3 of 6)
August 11, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

26

Next Patent Quality Chat:
Improving Global Patent Prosecution

Maria Holtmann
Director of International Programs

Patent Quality Chat
Webinar Series 2015 (4 of 6)
September 8, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

27

To send in questions or comments related to the USPTO's Enhanced Patent Quality Initiative, please email :

WorldClassPatentQuality@uspto.gov

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto

28

UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE