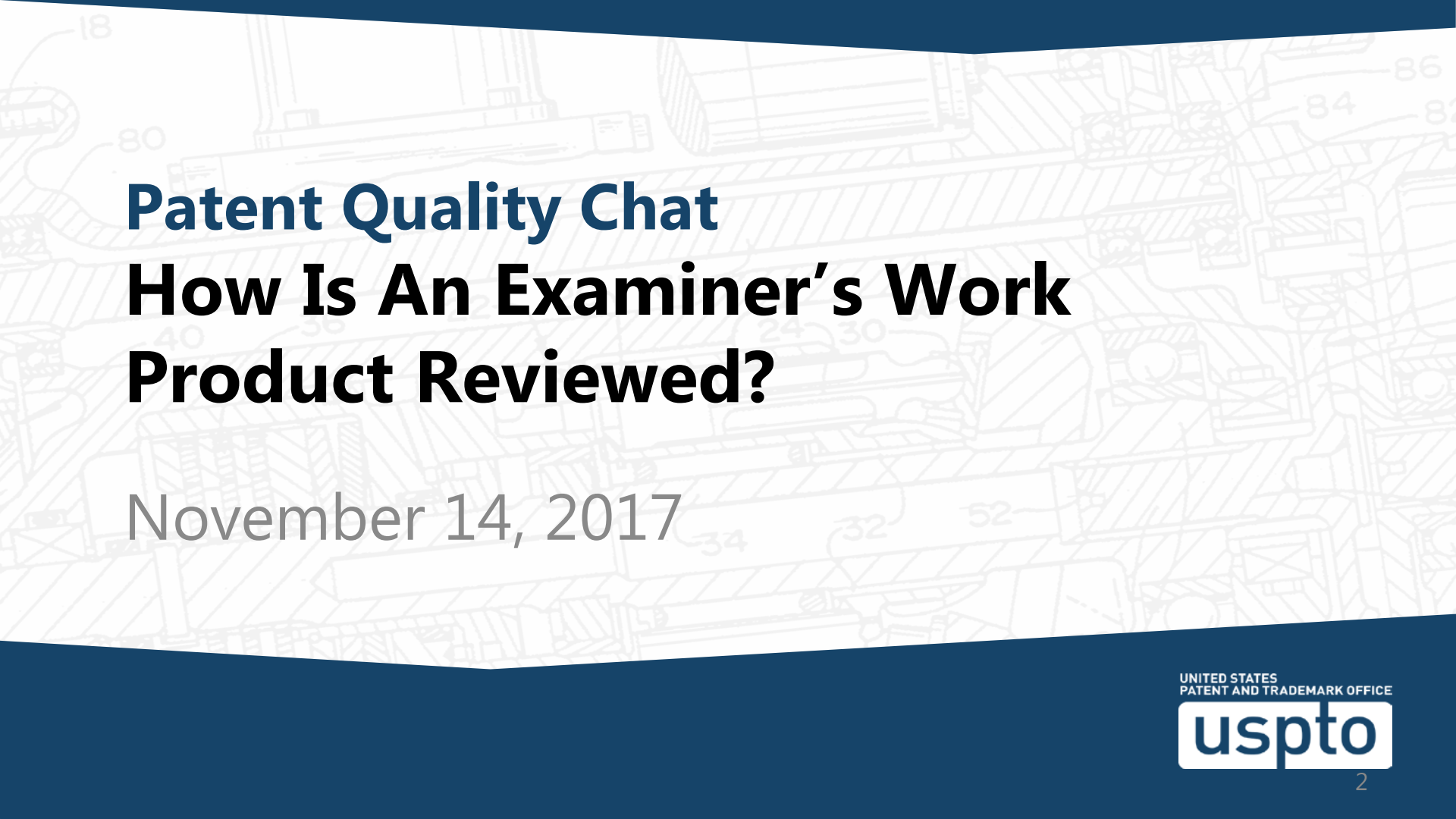


**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Quality Chat

How Is An Examiner's Work Product Reviewed?

November 14, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



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

PatentQuality@uspto.gov

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<http://www.uspto.gov/patentquality>

Patent Quality

Providing high-quality, efficient examination of patent applications is paramount to [our mission](#) at USPTO. To ensure we continue to issue high-quality patents that will fuel innovation well into the future, the [Office of the Deputy Commissioner for Patent Quality](#), along with our partners across the Patents organization, promotes and supports the continuous improvement of patent products, processes and services through collaboration with internal and external stakeholders of the intellectual property community.

Highlights



[Patent Quality Chat](#)

Tune into our next webinar on Tuesday, November 14, from noon - 1:00 p.m. ET, when we will be discussing "How is an Examiner's Work Product Reviewed?"

[Quality Metrics](#)

See our new metrics approach, categorizing into product, process and perception indicators.

[Stakeholder Training on Examination Practice and Procedure \(STEPP\)](#)

Sign up for an upcoming training developed for those interested in a better understanding of the examination process at the USPTO.

Areas of Focus

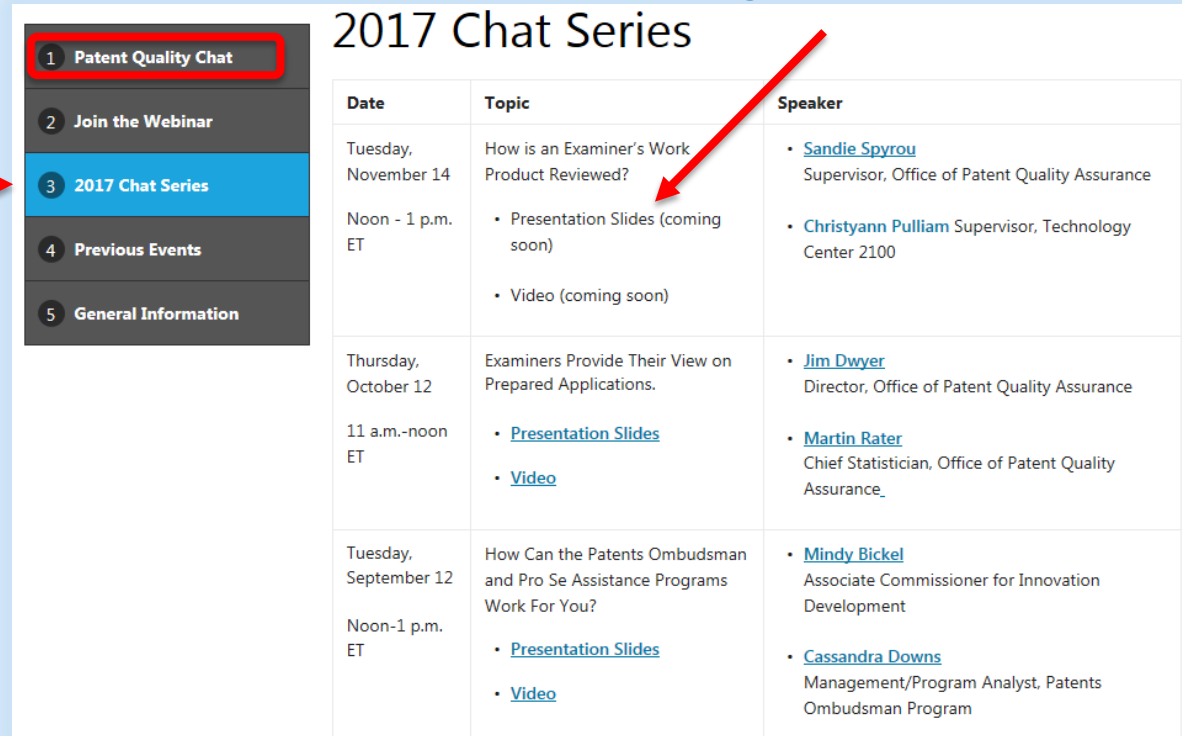
Collaboration with our stakeholders has directed our focus within three areas, where we can best improve patent quality.



Email questions to PatentQuality@uspto.gov

<http://www.uspto.gov/patent/initiatives/patent-quality-chat>

2017 Chat Series



Date	Topic	Speaker
Tuesday, November 14 Noon - 1 p.m. ET	How is an Examiner's Work Product Reviewed? • Presentation Slides (coming soon) • Video (coming soon)	• Sandie Spyrou Supervisor, Office of Patent Quality Assurance • Christyann Pulliam Supervisor, Technology Center 2100
Thursday, October 12 11 a.m.-noon ET	Examiners Provide Their View on Prepared Applications. • Presentation Slides • Video	• Jim Dwyer Director, Office of Patent Quality Assurance • Martin Rater Chief Statistician, Office of Patent Quality Assurance,
Tuesday, September 12 Noon-1 p.m. ET	How Can the Patents Ombudsman and Pro Se Assistance Programs Work For You? • Presentation Slides • Video	• Mindy Bickel Associate Commissioner for Innovation Development • Cassandra Downs Management/Program Analyst, Patents Ombudsman Program

Email questions to PatentQuality@uspto.gov



Patent Quality Chat

How Is An Examiner's Work Product Reviewed?

Sandie Spyrou

Supervisor, Office of Patent Quality Assurance

Christyann Pulliam

Supervisor, Technology Center 2100

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Topics

- Examiner Work Product = Office actions
 - Typically Reviewed are Non-Finals, Finals, and Allowances
- Technology Center (TC) Review of Examiner Work Product
 - Performance Appraisal Plan (PAP) Standard
 - Reviews Before Mailing
 - Reviews After Mailing
- Office of Patent Quality Assurance (OPQA) Review of Examiner Work Product
 - Compliance Reviews
 - Review Process
 - Returns to the TC





TC Reviews of Examiner Work Product

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PAP Standard

- What an Examiner is responsible for varies based on GS level (GS= government scale or pay grade)
 - Examiner's PAP sets forth standard for performance
 - Degree of responsibility is based on the Examiner's GS level which is correlated in a Major Activities Chart
 - Clear Error Definition



PAP Quality Element

Quality Major Activities	Activity Level	Error Category	Evaluation Level									
			GS 5	GS 7	GS 9	GS 11	GS 12	GS 13	GS 13/ 14 PSA	GS 14 FSA	GS 15	
1. checking applications for (a) compliance with formal requirements of patent statutes and rules and (b) technological accuracy	Basic	①	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. treating disclosure statements and claims of priority	Basic	①	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. analyzing disclosure and claims for compliance with 35 USC 112	Basic	②		✓	✓	✓	✓	✓	✓	✓	✓	✓
4. planning field of search	Basic	①		✓	✓	✓	✓	✓	✓	✓	✓	✓
5. conducting search	Basic	①	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6. making proper rejections under 35 USC 102 and 103 with supporting rationale, or determining how claim(s) distinguish over the prior art	Basic	②		✓	✓	✓	✓	✓	✓	✓	✓	✓
16. properly treating all matters of substance in applicant's response	Legal	①								✓	✓	✓
17. formulating and independently signing final determinations of patentability (final rejections, allowance, examiner answers and advisory actions)	Legal	*									✓	✓
18. properly closing prosecution: makes no premature final rejection	Legal	②									✓	✓
19. properly rejecting all rejectable claims in a final rejection; properly allowing all claims in an allowance	Legal	③									✓	✓



Reviews before Mailing

- Junior Examiner
 - All actions must be signed by a Supervisor or a Primary Examiner authorized to sign others' work
- Primary Examiner
 - Signs most actions on their own



Reviews after Mailing

- Quality Initiatives
- Quarterly PAP Rating Reviews
- Appeal/Pre-appeal Conferences
- Signatory Program





OPQA Reviews of Examiner Work Product

Email questions to PatentQuality@uspto.gov

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Topics

- OPQA Random Compliance Reviews
- Review Process
- Returns to TC

Random Compliance Reviews

- Sample is based on the volume of work completed by TC to achieve a statistically significant sample
- Allowances, Finals and Non-Finals
- Assigned to RQAS (Reviewing Quality Assurance Specialist) based on TC designation
- Approximately 4 hours/review



Tool for Reviewing

- Master Review Form (MRF)
 - Rejections Made
 - Omitted Rejections
 - Other issues (i.e. search, restriction, objections)



Master Review Form Sections

Rejections made in Office action. Check all that apply.

- None
- 35 U.S.C. 102
- 35 U.S.C. 103
- 35 U.S.C. 112(a) – Written Description
- 35 U.S.C. 112(a) – Enablement
- 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- 35 U.S.C. 112(a)/(b) – 112(f) Related
- 35 U.S.C. 101 (Eligibility)
- 35 U.S.C. 101 (Utility)
- Double Patenting (Statutory)
- Double Patenting (Nonstatutory)
- Other Rejection(s)

Were there any omitted rejections? Check all that apply.

- None
- 35 U.S.C. 102
- 35 U.S.C. 103
- 35 U.S.C. 112(a) – Written Description
- 35 U.S.C. 112(a) – Enablement
- 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- 35 U.S.C. 112(a)/(b) – 112(f) Related
- 35 U.S.C. 101 (Eligibility)
- 35 U.S.C. 101 (Utility)
- Double Patenting (Statutory)
- Double Patenting (Nonstatutory)
- Other Omitted Rejection(s)



Review Process

- Focused on the assigned Office action, but will review prosecution history as appropriate
- A Compliant Rejection will include:
 - Correct Claim(s)
 - Correct Statute
 - Sufficient Evidence
- All reviews include feedback
 - Positive reinforcement
 - Best practices/areas for improvement
 - Issues for consideration



Returns to TC

- All reviews are provided to the TC for appropriate action categorized as:
 - Noncompliant
 - For Consideration
 - Pass Through
 - Accolade



Let's Chat about How Is An Examiner's Work Product Reviewed?

Sandie Spyrou

Supervisor, Office of Patent Quality Assurance

Christyann Pulliam

Supervisor, Technology Center 2100

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Next Patent Quality Chat

TBD

December 12, 2017

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Thank you for joining us today!

Patent Quality Chat
Webinar Series 2017
November 14, 2017

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