

UNITED STATES
PATENT AND TRADEMARK OFFICE

A background image showing a close-up, slightly blurred view of a lens or optical component, possibly from a microscope or camera, with a red and white pattern. The image is positioned behind the main title text.

Patent Quality Chat: Topic Submissions for Case Studies and Post Grant Outcomes

Patent Quality Chat
Webinar Series 2016 (1 of 11)
January 12, 2016



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

PatentQualityEventParticipationBox@uspto.gov



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A screenshot of the USPTO website. The top navigation bar includes the USPTO logo, the text "UNITED STATES PATENT AND TRADEMARK OFFICE", and links for "About Us", "Careers", and "Contact Us". A search bar is also present. Below the navigation bar are tabs for "Patents", "Trademarks", and "Learning and Resources", along with a "Quick Links" dropdown menu. The main content area features a large blue banner with the text "First time here? Let us help you find your bearings." and a "Get Going" button. Below the banner, there are sections for "Learn About the Process" with sub-sections for "Patents" (General Information Concerning Patents) and "Trademarks" (Trademark Basics). A red circle highlights the "Patents & Trademarks Initiatives" section, specifically the "Enhanced Patent Quality Initiative" link, which includes the text "Learn about USPTO efforts to increase patent quality." The USPTO logo is visible in the bottom right corner of the screenshot.

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

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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.

2016 Patent Quality Chats
The USPTO will present a monthly, lunchtime Patent Quality Webinar Series hosted by patent specialists on quality-related topics.

Building an Enhanced Patent Quality System

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Patent Quality Chat: Topic Submissions for Case Studies and Post Grant Outcomes

Anthony Caputa
Director of OPQA

Jack Harvey
Director of Technology Center 3700

Brian Hanlon
Director of OPLA

Steve Koziol
Supervisory Patent Examiner, AU 2665

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Patent Quality Chat: Topic Submissions for Case Studies Pilot

Anthony Caputa

Director of the Office of Patent Quality Assurance (OPQA), USPTO

Brian Hanlon

Director of the Office of Patent Legal Administration (OPLA), USPTO



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Topic Submission for Case Studies Pilot



Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

- Part of the Enhanced Patent Quality Initiative
- Seeks the assistance of our stakeholders
- Federal Register Notice (December 21, 2015) initiated the program
- Submissions will be accepted thru February 12, 2016



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Program Overview

- Invites stakeholders to submit patent quality-related topics they believe should be the subject of a case study
- Allows the USPTO to broaden the scope of topics that it considers for study by leveraging stakeholder experience
- The USPTO will perform case studies on selected topics



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Program Goals

- Use results of study to better understand and/or improve USPTO work products and processes to enhance patent quality:
 - Better understand the quality of its work products
 - Addresses quality issues it identifies, such as where training is needed
 - Identify correlations or trends
 - Need for change in processes or procedures
 - Formulate best practices to further enhance patent quality



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What is a Case Study?

- Review of a single target issue
- Distinct from standard Quality Assurance reviews
- Tailored to the selected issue



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Submissions

- Can concern any topic affecting the USPTO's ability to issue high-quality patents
- Should be more than a mere statement of an issue or problem
- Can explain how the results of the case study could be used to improve patent quality



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Submission Format

- Title
- Proposal for Study
 - Identify potential trends or correlations
 - If possible, suggest methodology for investigation
- Explanation
 - Need
 - Impact on USPTO and patent system



- ❖ **Do not include any application or examiner specific information**
 - ❖ **Outside the scope of this study**



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Example Submission

- “Pre-first action interviews and prosecution quality”
- Do first action interviews result in a shorter time-to-issuance in applications that mature into patents?
- Pre-first action interviews can minimize claim misinterpretation, disagreements over teachings of art, etc.
 - Resolving these issues at the outset may focus prosecution
 - This might lead to a shorter overall prosecution
- USPTO should study patented applications to determine any correlation between time-to-issuance and pre-first action interviews.



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How to Submit Topics

- By email to:
TopicSubmissionForCaseStudies@uspto.gov
- Submit by **February 12, 2016**



Email questions to PatentQualityEventParticipationBox@uspto.gov



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Further Information

- Topic Submission for Case Studies Webpage:
<http://www.uspto.gov/patent/initiatives/topic-submission-case-studies-pilot-program>
- Enhanced Patent Quality Initiative Webpage:
<http://www.uspto.gov/patent/initiatives/enhanced-patent-quality-initiative>



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Patent Quality Chat: Post Grant Outcomes Pilot

Jack Harvey
Director of Technology Center 3700

Steve Koziol
Supervisory Patent Examiner, Art Unit 2665



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Objectives of Post Grant Outcomes

The purpose of this program is to learn from all post grant proceedings and inform examiners of their outcomes



- Propose **three** objectives to accomplish this:
 1. **Enhanced Patentability Determinations in Related Child Cases**
 - Providing examiners with prior art submitted during PTAB post grant proceedings
 2. **Targeted Examiner Training**
 - Data collected from the prior art submitted and examiner behavior will provide a feedback loop on best practices
 3. **Examining Corps Education**
 - Provide examiners a periodic review of post grant outcomes focusing on technology sectors



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Objective 1 - Enhanced Patentability Determinations in Related Child Cases

- Identify those patents being challenged at the PTAB under the AIA Trials that have pending related applications in the Patent Corps
- Provide the examiners of those pending related applications access to the prior art submitted with the IPR petition



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Objective 2 – Targeted Examiner Training

- Data collected from the prior art submitted and resulting examiner behavior will provide a feedback loop on best practices
- Educate examiners
 - Prior art search techniques
 - Sources of prior art beyond what is currently available
 - Claim interpretation



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Objective 3 – Examining Corps Education

- Leverage results of all post grant proceedings to educate examiners on the process and results
 - Provide examiners a periodic review of post grant outcomes focusing on technology sectors
 - Utilize the proceedings to give examining corps a fuller appreciation for the process



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Post Grant Outcomes Summary

- Learn from the results of post grant proceedings
- Shine a spotlight on highly relevant prior art uncovered in post grant proceedings
- Enhance patentability of determination of related child cases
- Build a bridge between PTAB and the examining corps



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Next Steps

- Pilot Launches FY16
- Send your feedback to:
WorldClassPatentQuality@uspto.gov



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Let's Chat about the Topic Submissions for Case Studies and Post Grant Outcomes

Anthony Caputa and Brian Hanlon (Topic Submissions for Case Studies)

Jack Harvey and Steve Koziol (Post Grant Outcomes)

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Thank you for joining us today!

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**Next Patent Quality Chat:
Tuesday, February 9th
Check our [Chat Website](#) for the topic
to be announced later this month**



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DO NOT ENTER – EVENT IN PROGRESS
Patent Quality Chat webinar

Noon – 1pm
January 12, 2016



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