Patent Quality Chat
Customer Perceptions of Patent Quality and New Customer Experience (CX) Initiative

December 11, 2018

Email questions to PatentQuality@uspto.gov
To send in questions or comments during the webinar, please email:

PatentQuality@uspto.gov
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**

Our next Patent Quality Chat will be on December 11th on "Customer Perceptions of Patent Quality and New Customer Experience (CX) Initiative".

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

### 2018 Chat Series

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Speaker</th>
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| Tuesday, April 10     | Strengthening your IP Internationally using the expanded Collaborative | Dan Hunter  
| Noon - 1 p.m. ET      | Search Pilot                                                          | Director for International Work Sharing, Planning and Implementation in the Office of International Patent Cooperation (OIPC) |
|                       | • Presentation Slides (coming soon)                                    |                                                                        |
|                       | • Video (coming soon)                                                  |                                                                        |
| Tuesday, March 13     | Subject Matter Eligibility, Guidance & Examination Resources           | Bob Bahr  
| Noon - 1 p.m. ET      | • Presentation Slides                                                  | Deputy Commissioner for Patent Examination Policy                      |
|                       | • Video                                                                |                                                                        |

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Patent Quality Chat
Customer Perceptions of Patent Quality and New Customer Experience (CX) Initiative

Marty Rater
Chief Statistician for Patent Quality

Michael Easdale
Statistician, Office of Patent Quality Assurance (OPQA)

David Fitzpatrick
Statistician, Office of Patent Quality Assurance (OPQA)

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Agenda

- Role of surveys in assessing patent examination quality
- Current customer perceptions
- Customer Experience and USPTO’s designation as a High-Impact Service Provider

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Assessing Examination Quality

**Product Indicators**
- Include metrics on the **correctness** and **clarity** of our work products.
- Are formulated using data from reviews using the **Master Review Form (MRF)**.

**Process Indicators**
- Assist in tracking the efficiency and consistency of our internal processes.
- Focus on analyzing **reopening of prosecution** and **rework of Office actions** as well as improving **consistency of decisions making** (e.g. allowance rates).

**Perception Indicators**
- Are formulated from solicited **internal and external survey data** to validate/verify other metrics; the data can also be used for root cause analysis.

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EXTERNAL QUALITY SURVEY

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External Quality Survey

• Started in 2006
• Administered on a semi-annual basis
• Survey frame consists of “top filing” firms/entities
  – 6 or more patent applications in calendar year
  – Represents approx. 95% of total filings

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Why Top Filers?

• Interacting with USPTO on a frequent basis
  – More likely to be able to detect changes in performance
  – Maintains anonymity as not directed to a specific application or interaction
  – Results not influenced by a single application and/or the patentability determination

• Other surveys and data collection efforts exist to capture perceptions of all customers

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Sample Frame

- Stratified random sample of customers
  - Customers randomly assigned to a panel group (approx. 1500 customers per group)
- Each panel group is in two successive waves of data collection before rotating out
  - 50% replacement each wave

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Survey Methodology

• Two surveys (waves) per year
• Sample includes 2 panel groups each wave, or approx. 3,000 customers
• Paper and web options for completing the survey
  – About 85% now complete survey on-line
• Reference period for each survey is the previous quarter
  – FY18Q4 survey referenced office actions received during Q3

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Survey Content

• Adherence to rules and procedures
• Correctness, clarity, and consistency of rejections made
  – 35 USC §102; 35 USC §103; 35 USC §112(a); 35 USC §112(b); and USC §101
• Search quality
• Overall examination quality
• Open-end comments section

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Key FY18Q4 Survey Findings

• Ratings of overall quality stayed constant in FY18
• Greatest adherence to rules and procedures for “citing appropriate prior art” and “treating all claims”
• Correctness, clarity, and consistency of 35 USC §103 rejections had the highest correlation with overall examination quality
• Customers in the mechanical fields reported higher ratings
• When asked what other quality issues or concerns they have, respondents most frequently mentioned issues related to 35 USC §101 rejections and general consistency of office actions

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Adherence to Rules & Procedures

- Citing Appropriate Prior Art: 58% Large Extent, 38% Moderate Extent, 4% Not at All/Small Extent
- Treating All Claims: 55% Large Extent, 36% Moderate Extent, 9% Not at All/Small Extent
- Providing Enough Information to Advance Prosecution: 38% Large Extent, 49% Moderate Extent, 13% Not at All/Small Extent
- Addressing Responses to Office Actions: 28% Large Extent, 50% Moderate Extent, 22% Not at All/Small Extent
- Following Appropriate Restriction Practice: 36% Large Extent, 37% Moderate Extent, 27% Not at All/Small Extent

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Adherence to Rules & Procedures

Percent Reporting “Large Extent”

- Citing appropriate prior art
- Treating all claims
- Providing enough information to advance prosecution
- Addressing responses to Office Actions
- Following appropriate restriction practice

FY11 FY12 FY13 FY14 FY15 FY16 FY17 FY18

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Correctness

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Correctness by Discipline

Percent Reporting “Most” or “All of the Time”

<table>
<thead>
<tr>
<th>35 USC §102</th>
<th>Chemical</th>
<th>Electrical</th>
<th>Mechanical</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 USC §103</td>
<td>37%</td>
<td>45%</td>
<td>56%</td>
</tr>
<tr>
<td>35 USC §112(a)</td>
<td>56%</td>
<td>61%</td>
<td>66%</td>
</tr>
<tr>
<td>35 USC §112(b)</td>
<td>61%</td>
<td>68%</td>
<td>71%</td>
</tr>
<tr>
<td>35 USC §101</td>
<td>27%</td>
<td>31%</td>
<td>31%</td>
</tr>
</tbody>
</table>

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Clarity

<table>
<thead>
<tr>
<th>Rejection Type</th>
<th>Rarely</th>
<th>Some of the Time</th>
<th>Most of the Time</th>
</tr>
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<tbody>
<tr>
<td>35 USC §102 Rejections</td>
<td>17%</td>
<td>6%</td>
<td>82%</td>
</tr>
<tr>
<td>35 USC §103 Rejections</td>
<td>6%</td>
<td>40%</td>
<td>54%</td>
</tr>
<tr>
<td>35 USC §112(a) Rejections</td>
<td>6%</td>
<td>23%</td>
<td>71%</td>
</tr>
<tr>
<td>35 USC §112(b) Rejections</td>
<td>5%</td>
<td>18%</td>
<td>77%</td>
</tr>
<tr>
<td>35 USC §101 Rejections</td>
<td>25%</td>
<td>38%</td>
<td>37%</td>
</tr>
</tbody>
</table>
Clarity by Discipline

Percent Reporting “Most” or “All of the Time”

- **35 USC §102**: 85% (Chemical), 81% (Electrical), 80% (Mechanical)
- **35 USC §103**: 47% (Chemical), 53% (Electrical), 57% (Mechanical)
- **35 USC §112(a)**: 63% (Chemical), 69% (Electrical), 75% (Mechanical)
- **35 USC §112(b)**: 33% (Chemical), 35% (Electrical), 42% (Mechanical)
- **35 USC §101**: 81% (Chemical), 75% (Electrical), 71% (Mechanical)

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Consistency

35 USC §102 Rejections: 74% Most of the time, 20% Some of the time, 2% Rarely

35 USC §103 Rejections: 56% Most of the time, 38% Some of the time, 6% Rarely

35 USC §112(a) Rejections: 65% Most of the time, 26% Some of the time, 6% Rarely

35 USC §112(b) Rejections: 70% Most of the time, 22% Some of the time, 6% Rarely

35 USC §101 Rejections: 30% Most of the time, 39% Some of the time, 31% Rarely

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Consistency by Discipline

Percent Reporting “Most” or “All of the Time”

- 35 USC §102: Chemical 60%, Electrical 67%, Mechanical 68%
- 35 USC §103: Chemical 51%, Electrical 56%, Mechanical 58%
- 35 USC §112(a): Chemical 60%, Electrical 67%, Mechanical 68%
- 35 USC §112(b): Chemical 71%, Electrical 72%, Mechanical 71%
- 35 USC §101: Chemical 51%, Electrical 56%, Mechanical 58%

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Quality of Prior Art

- Chemical: 57% Good/Excellent, 40% Fair, 3% Poor/Very Poor
- Electrical: 53% Good/Excellent, 41% Fair, 6% Poor/Very Poor
- Mechanical: 69% Good/Excellent, 28% Fair, 3% Poor/Very Poor

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Overall Examination Quality

28% 32% 40% 42% 45% 47% 51% 52% 51% 51% 50% 47% 54% 50% 49% 50% 51%

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Perceived Change in Quality

Overall Examination Quality by Perceived Change in Quality

<table>
<thead>
<tr>
<th>Quality</th>
<th>Direction</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good/Excellent</td>
<td>Improved</td>
<td>14%</td>
</tr>
<tr>
<td></td>
<td>Stayed the Same</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td>Declined</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>51%</td>
</tr>
<tr>
<td>Fair</td>
<td>Improved</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>Stayed the Same</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>Declined</td>
<td>7%</td>
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<tr>
<td>Total</td>
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<tr>
<td>Poor/Very Poor</td>
<td>Improved</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Stayed the Same</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>Declined</td>
<td>4%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>7%</td>
</tr>
</tbody>
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The 103 rejections were found to have the highest odds ratio against Overall Examination Quality. That is, if a respondent rated the 103 rejections to be correct “most/all the time”, the respondent is 4.5 times more likely to rate the Overall Examination Quality as good/excellent.

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CUSTOMER EXPERIENCE (CX)

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What is customer experience (CX)?

- Customer experience encompasses what a customer thinks, feels, and does during interactions with an organization across multiple touchpoints and channels throughout the duration of the relationship with the organization.

- Customer service is just one part of the customer experience
  - CX Pillars: Product; Value; Service; Brand
Customer Experience Initiative

• OMB Circular A-11, Summer 2018
• Government-wide CX effort
• USPTO identified as a High-Impact Service Provider (HISP)
  – Only Dept. of Commerce agency designated as such
• All HISPs directed to measure their touchpoint/transactional performance with respect to satisfaction and confidence/trust

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Next Patent Quality Chat
TBD

January 8, 2019