Training and Quality Improvement

• Patent Training Academy (PTA)
• Office of Patent Quality Assurance
• Technology Center Quality Analysis and Training
Types of Examiner Training (PTA)

• New Examiner Training
• Legal Practice & Procedure
• Continuing Education Training
Legal Practice & Procedure Training

- Examiner Refresher Training
- Master Class Program
- Patent Quality Chats for Patent Examiners
- Legal Lecture Series
- Patent Law and Evidence Legal Course
Legal Practice & Procedure Training cont.

• Examiner training is provided for both newly hired and experienced examiners

• Training may be delivered corps-wide or to specific disciplines

• Refresher legal training is developed and delivered via various styles
  – Lecture style
  – Interactive Computer Based Training (CBT)
  – Workshops
  – Combinations thereof
Continuing Education Training

Designed to enhance a patent employee’s knowledge in technical and legal topics pertaining to the examination of patent applications
Continuing Education Training cont.

- Patent Examiner Technical Training Program (PETTP)
- Site Experience Education (SEE) Program
- Updated Automation Tools Training
- Tuition Assistance Program - Non-Duty Hours Legal Studies Program
- Tuition Assistance Program - Non-Duty Hours Technical Training Program
- Stakeholder Training on Examination Practice and Procedure (STEPP)
The Role of the Office of Patent Quality Assurance

June 2018
Location of OPQA in Patents

- Commissioner for Patents
  - Deputy Commissioner for Patent Quality
    - Associate Commissioner for Patent Quality
      - Director of OPQA
      - Quality Leads
      - Reviewing Quality Assurance Specialists
  - Deputy Commissioner for Patent Operations
    - Associate Deputy Commissioners for Patent Operations
      - Technology Center Directors
      - Supervisory Patent Examiners
      - Patent Examiners
OPQA Activities

• Conducts reviews of examiner work product
• Analyzes the results of the reviews and other quality data to report quality metrics and trends
• Assists TCs with quality improvement efforts
Some Types of OPQA Reviews

- **Random Reviews**
  - OPQA randomly samples about 1% of Office actions for review
  - The results are used to derive metrics down to the TC level

- **Ad Hoc Reviews**
  - TCs or other organizations can request reviews of specific Office actions
  - E.g., reviews used to assess a pilot program

- **Case Study Reviews**
  - TCs or other organizations can request an in-depth assessment of a particular issue
  - E.g., reviews to assess a particular aspect of 35 USC 101
Master Review Form (MRF)

• Used by RQAS (and SPEs) to record their findings

• Captures information about
  – Statutory compliance
  – Clarity
  – Other aspects of the action, such as the response to arguments
MRF Design

Modular designed smart-form

20+ modules
Omitted/Made Rejections, Search, etc.

330 question library
Correctness, clarity, best practices

Entire MRF can be found at:
https://www.uspto.gov/patent/initiatives/quality-metrics-1#step1
The Statutory Compliance Standard

• For an allowed claim, the Office action must:
  – Not omit a statutorily compliant rejection
  – Clearly identify the claim
  – Set forth that the claim is allowable

• For a rejected claim, the Office action must:
  – Clearly identify the claim
  – Identify the relevant statute
  – Set forth sufficient evidence to put a person skilled in the art on notice as to why the claim is unpatentable to provide applicant with a fair opportunity to respond
Processing Random Reviews

• Based on the review, RQAS flags the action as
  – Non-compliant
  – Needs attention
  – Pass through

• The Quality Lead checks findings of non-compliance before returning the case to the TC

• The TC can rebut a finding of non-compliance

• If the QL maintains the finding, the TC can appeal the case to the OPQA Director and ultimately to the Deputy Commissioner for Patent Quality
## TC Reviews vs. OPQA Reviews

<table>
<thead>
<tr>
<th></th>
<th>TC Reviews</th>
<th>OPQA Reviews</th>
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<tbody>
<tr>
<td><strong>Standard</strong></td>
<td>Performance Appraisal Plan (PAP) (depends on GS Level)</td>
<td>Statutory Compliance</td>
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| **Timing** | Actions may be reviewed - **before mailing** (e.g., junior examiner actions and appeal conferences) or  
|           | - **after mailing** (e.g., quarterly PAP reviews and sig program)            | All reviews conducted after mailing   |
Quality Metrics

- **Product Indicators**
  - Capturing both correctness and clarity of examiners’ final work product using the MRF

- **Process Indicators**
  - Tracking the efficiency and consistency of our processes (for example, to identify “churning” from re-work)

- **Perception Indicators**
  - Surveys to internally and externally poll perceptions of patent quality
## Quality Metrics – FY18 Targets

<table>
<thead>
<tr>
<th>Statue</th>
<th>FY18 Statutory Compliance Targets*</th>
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<tbody>
<tr>
<td>35 U.S.C. § 101</td>
<td>&gt;97%</td>
</tr>
<tr>
<td>35 U.S.C. § 112</td>
<td>&gt;93%</td>
</tr>
<tr>
<td>35 U.S.C. § 102</td>
<td>&gt;95%</td>
</tr>
<tr>
<td>35 U.S.C. § 103</td>
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</tr>
</tbody>
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*Confidence level +/-1.5%
Assisting TCs with Quality Improvement Efforts

• Sig Panels
• Appeal Conferences
• Delivering Training
• Mentoring
• Other
TC 2800 Process for Continuous Quality Improvement

• Agency Level Training vs. TC Level Training
• Identify Areas of Need – Data Driven
• Assess Strengths and Weaknesses (root causes)
  – Case reviews
  – Discussions with Supervisors, Trainers and Reviewers
Continuous Quality Improvement

• Develop Appropriate Training
  – Determine Format of Delivery

• Deliver Training

• Assess Effectiveness of Training
  – Determine Measures and SMART Goals
  – Revise Materials and Delivery Methods as Appropriate (after action review)
Data Gathering

• Efficiency Report (Pendency)
  – Transactional Quality Index Report (QIR)
    • Historical
  – Timeliness Reports (SPE Dashboard)
    • Current

• Big Data

• OPQA Statistical Data
Data Gathering

• Substantive Reviews
  – Supervisory Reviews
  – OPQA Reviews
  – Conferences
    • Signatory Review
    • Appeal
    • Pilot Program
TC 2800 Assessing Training Needs

- Assess Training Needs
  - Identify types of errors or weaknesses
  - Identify root causes
- Prioritize TC Training Goals
  - Consider Office Strategic Goals, Executive Goals
- Identify Team to Develop and Deliver Training
TC 2800 Develop Training

• Look to Previously Developed Training Resources
  – Use previously developed training materials
  – Modify previous materials if necessary
    • Approval required
  – Develop new materials
    • Approval required
Training Delivery Formats

- Large or Small Lectures
- Small Group Lectures with Q&A
- One on One (or very small group)
- Workshops
- Peer Trainings
- Computer Based Trainings
- Email/Chat Q&A
- Combinations of the above
- Duration of trainings (once/few/regularly)
Assess Effectiveness of Training

• Identify a Measure and a SMART Goal
  – Measures may be OPQA statistics, QIR statistics, case reviews before and after, quizzes/questionnaires
  – Goals may include qualitative and quantitative measures
Assess Effectiveness of Training

• After Action Reviews
  – What went well, what worked?
  – What aspects were less effective or failed?
  – What will be kept or changed in the next training iteration?