

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# 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

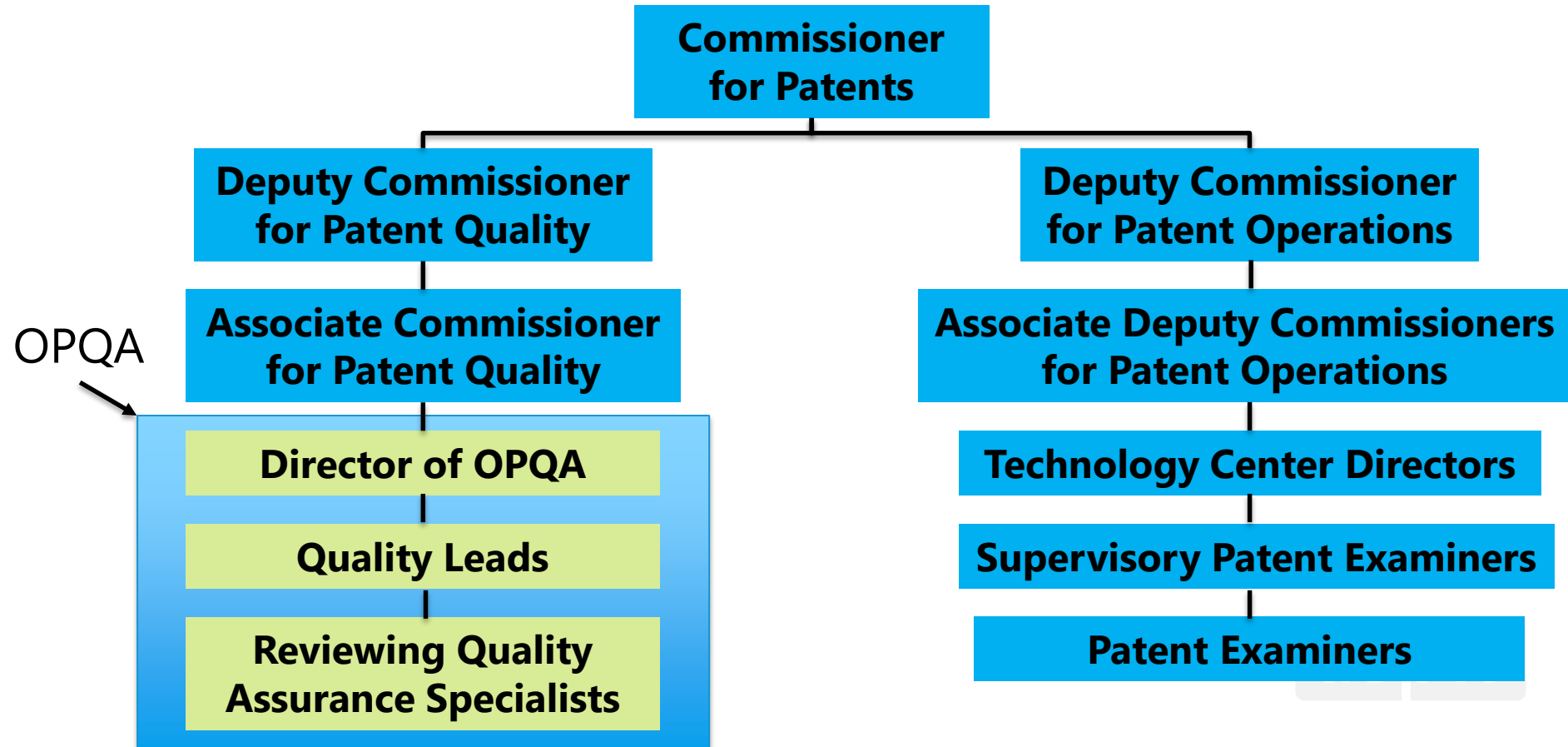
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# Location of OPQA in Patents



# 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

Correctness

Overall, were the 35 U.S.C. 102 rejection(s) in compliance?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	
Claimed features are explicitly/inherently disclosed in the prior art relied upon?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input type="radio"/> N/A
Examiner's reliance on inherency is correctly applied?	<input type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Effective date(s) of the reference(s) applied as prior art is sufficient?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input type="radio"/> N/A

Correctness Comments:

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>

uspto

# 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

	TC Reviews	OPQA Reviews
Standard	Performance Appraisal Plan (PAP) (depends on GS Level)	Statutory Compliance
Timing	Actions may be reviewed <ul style="list-style-type: none"><li>- <u>before mailing</u> (e.g., junior examiner actions and appeal conferences) or</li><li>- <u>after mailing</u> (e.g., quarterly PAP reviews and sig program)</li></ul>	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

Statue	FY18 Statutory Compliance Targets*
35 U.S.C. § 101	>97%
35 U.S.C. § 112	>93%
35 U.S.C. § 102	>95%
35 U.S.C. § 103	>93%

\*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?