

**Title:** Study the Benefits of Using Data Analytics Early in the Patent Application Lifecycle

**Proposal for study:** The United States Patent and Trademark Office (USPTO) receives over 400,000 new serialized applications each year. A significant proportion of these contain errors that surface during the examination lifecycle. This proposed study seeks to identify processes that will improve the quality of patent applications before the start of examination. Reed Technology and Information Services Inc. (Reed Tech) can accomplish this by performing analytics (most of which already exist) on documents captured in the Application Publication (PreGrant) process.

**Suggested Methodology:** Specifically, Reed Tech proposes to engage in a pilot study with the USPTO in which we will:

- Identify errors and anomalies in applications during the Pre-Grant capture process; this could be done for a single Group Art Unit or other subgroup
- In collaboration with the USPTO, determine the best approach to alerting applicants to such errors and seeking corrections
- Track error types and submit corresponding summaries/reports to the USPTO
- Perform this pilot study at no incremental cost to the USPTO

**Explanation:** Providing analytics and alerting applicants to anomalies before the start of examination offers many benefits, including the following:

- Potential reduction in the number of office actions required on the part of patent examiners
- Focusing patent examiners' attention on the substantive issues of patent examination rather than on finding and correcting applicant errors related more to procedure and policy
- Delivery of cleaner documents to post-allowance processes, including publication
- Reduction in overall patent pendency due to fewer iterative cycles during patent examination
- Improving perception among applicants of the USPTO's responsiveness to their new applications
- Ability to apply to this challenge resources that are lower in cost than patent examiners; this is true even in an environment where Patents End-to-End is improving the analytical tools available to patent examiners, since examiners will still need to operate those tools and deal with the results

**Impact:** For the purpose of the study Reed Tech envisions applying text analytics on data published in the Application Publication process. The tools used for that analysis reveal many anomalies present in the application as filed. Should the application become allowed, some of these anomalies must be corrected before patents are granted. Today patent examiners find—and require applicants to correct—a large portion of these applicant-generated errors during the examination cycle. However, many such errors remain in allowed applications that Reed Tech receives for Grant publication. As the number of allowed applications has increased, the sheer number of such applications that must be corrected at the post-allowance stage has increased dramatically. These errors could have and should have been corrected before allowance, since a large percentage are present in the initial application.

The USPTO is paying an expensive resource (patent examiners) to find these errors long after applications have been filed (something that distracts examiners from their primary task), when most of these errors could be found and corrected before substantive examination even begins.

Reed Tech can provide these analytics on a pilot basis at no incremental cost using existing resources and requiring little in the way of resources on the part of the USPTO.

Respectfully submitted,

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