Clarity of Record Pilot:
Introduction
The Right Time for a Greater Focus on Quality

- America Invents Act (AIA) provides a stable budget to pursue quality initiatives
- USPTO continues to reduce patent application inventory/pendency and improve IT infrastructures
- Dramatic changes to IP landscape
  - Abusive Litigation Practices
  - AIA Trials
Enhanced Patent Quality Initiative

Federal Register Notice (February, 2015) outlined the EPQI and requested comments

- EPQI is built around three patent quality pillars:
  - Excellence in Work Products
  - Excellence in Measuring Patent Quality
  - Excellence in Customer Service
- Began with six initial proposals, or ideas, to help enhance patent quality
Evolving Programs

Focused on three implementation areas:

**Data Analysis**
- **Pillar 1**
  - Topic Submission for Case Studies
- **Pillar 2**
  - Clarity and Correctness
  - Data Capture (Master Review Form or MRF)
  - Quality Metrics

**Examiners’ Resources, Tools & Training**
- **Pillar 1**
  - Automated Pre-Examination Search Pilot
  - STIC Awareness Campaign
  - Clarity of the Record Training
  - Post Grant Outcomes
- **Pillar 3**
  - Interview Specialist

**Changes to Process/Product**
- **Pillar 1**
  - Clarity of the Record Pilot
- **Pillar 3**
  - Reevaluate AFCP2.0 and Pre-Appeal Conferences
  - Reevaluate QPIDS
  - Design Patent Publication Quality

[Link to EPQI (Internal)]
Clarity of the Record Pilot

**Changes to Process/Product**

*Pillar 1*
- **Clarity of the Record Pilot**

*Pillar 3*
- Reevaluate AFCP2.0 and Pre-Appeal Conferences
- Reevaluate QPIDS
- Design Patent Publication Quality

This program is to develop best practices for enhancing the clarity of the prosecution record and then study the impact of implementing these best practices during examination.
Clarity of Record Pilot - Goal

• Establish clarity of the record best practices
• Determine what resources are needed to implement these best practices
• Determine the impact of these best practices
  – Additional resources
  – Length of prosecution
  – Post-grant outcomes
Clarity of Record Pilot – General Framework

Three areas of focus for best practices:

- Claim Interpretation
- Reasons for Allowance
- Enhanced Interview Summaries
Next Steps

• Implement Clarity of the Record Best Practices highlighted in these training modules:
  – Documenting Claim Interpretation
  – Reasons for Allowance
  – Interview Summaries and Pre-Search Interview Option

• Clarity Enhancement Workshops

• Ongoing Quality Enhancement Meeting (QEM)-type Meetings
Applying the Lessons of the Pilot

Leveraging the pilot to determine “best practices”:

- Measure the benefits of documenting claim interpretation, reasons for allowance, and enhanced interview summary
  - Using clarity metrics
- Determine the resources associated with the benefits
  - (additional time spent in recordation)
- Pilot examiners will share experiences
  - What worked and what didn’t?
  - What feedback from applicants in responses?
- The “best practices” are those good practices that most effectively use examination resources.
Questions