

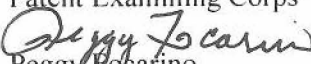


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents

Date: October 7, 2010

To: Technology Center Directors
Patent Examining Corps

From: 
Peggy Pocarino
Deputy Commissioner for Patents

Subject: New Patent Quality Assurance Metrics

This memorandum is to inform the patent examination corps of the USPTO's adoption of new patent quality metrics that are being implemented for fiscal year 2011. The purpose of these new patent quality metrics is to better educate and enable participants in the patent process to identify and follow best practices in the patent examination process. These new patent quality metrics are how the USPTO measures its performance as an agency in applying best practices in the patent examination process. These new patent quality metrics are published on the USPTO's web site on the Joint USPTO and PPAC Quality Task Force Web page (http://www.uspto.gov/patents/init_events/patentquality.jsp) at the following url: http://www.uspto.gov/patents/init_events/qual_comp_metric.pdf.

The USPTO, in consultation with the Patent Public Advisory Committee (PPAC), has formulated a composite quality metric which greatly expands the previous procedures for measurement of examination quality. This composite quality metric will be used to: (1) provide a more detailed characterization of the quality of patent examination on an ongoing basis and share this characterization with the general public; and (2) identify target areas where quality can be improved and areas where outstanding quality procedures exist. Quality improvement efforts may include examiner training, revisions to examination procedure, and/or practitioner tips for best practices.

The new composite quality metric is composed of seven total factors which include three factors drawn from the USPTO's previous quality measurement procedure, and four new factors that focus upon data never before acquired and/or employed for quality measurement purposes. The factors that have been modified from previous procedure measure: (1) the quality of the action setting forth the final disposition of the application, (2) the quality of the actions taken during the course of the examination, and (3) the perceived quality of the patent process as measured through external quality surveys of applicants and practitioners. The newly added factors measure: (1) the quality of the examiner's initial search, (2) the degree to which the first action on the merits follows best examination practices, (3) the degree to which global USPTO data is indicative of compact, robust prosecution, and (4) the degree to which patent prosecution quality is reflected in the perceptions of the examination corps as measured by internal quality surveys.

Each metric is described in full detail on the above-listed USPTO's Internet Web site. Of particular note are the internal quality surveys, administered semi-annually to a representative, randomly chosen, subset of examiners. These surveys will request examiners to relate their perception of such issues as their level of satisfaction with search and examination tools such as EAST and e-Red Folder, with access to training, and with written and personal interactions with applicants and/or their agents/attorneys.