

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Examination Quality

Beth Boswell
Management Quality Assurance Specialist
(MQAS), Technology Center 3600

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent quality

Our goal is to continually improve patent quality, particularly the reliability of issued patents, by meeting the commitments of our investment in quality.



**BUSINESS METHODS
PARTNERSHIP MEETING**



TC3600 QAS shop



- **Objective**

- To ensure quality examination at all levels in TC 3600 by providing the best possible support to our examiners, supervisors, directors, and support staff.

- **Tasks**

- Assist with office action reviews and signatory program reviews.
- Drafting petition decisions and offering petition assistance to SPEs.
- Assist with art unit / workgroup level training efforts.
- Offer one on one coaching and mentoring of examiners.

TC3600 QAS shop



- **Tasks (Cont.)**

- Liaison to Patent Trial and Appeal Board (PTAB), Office of Patent Legal Administration (OPLA), and the Office of Petitions.
- Interface with Office of Patent Quality Assurance (OPQA).
- Assist with development and implementation of continuous improvement action plans.
- Data gathering, analysis and support to find quality trends in art units and workgroups.
- Available to answer ad hoc questions.

Business Methods

Quality initiatives and results



Quality initiatives and results – examiner engagement

- **Objective**

- To share tips and best practices to promote compact prosecution.
- To build a community of interest around quality.
- To increase engagement and promote conversation and knowledge sharing of examiners across workgroup boundaries.

- **How**

- During informational sessions, experienced staff shares tips and best practices.
- The sessions provide an opportunity for examiners to ask questions, hear and share best practices, and promote a culture of high quality and compact prosecution.

Quality initiatives and results – 35 U.S.C. 103 workshops

- **Objective**
 - To increase the correctness and clarity of 35 U.S.C. 103 rejections.
- **How**
 - Based on observations, two workshops were created and delivered to all Business Methods examiners focused on building a clear record under 35 U.S.C. 103.
 - The first workshop baselined knowledge on what is required when establishing an obviousness rejection.
 - The second workshop was a guided discussion on best practices when citing references in an obviousness rejection.
 - Both workshops also focus on when obviousness cannot be established.

Quality initiatives and results – 35 U.S.C. 101 workgroup study

- **Objective**

- To take a deeper dive into the 101 rejections made in a technology area.
- To improve the consistency of drafted 101 rejections.
- To reinforce key points from the 2019 Patent Subject Matter Eligibility Guidance (PEG) and increase consistency in its application.

Quality initiatives and results – 35 U.S.C. 101 workgroup study

- **How**
 - Each study focuses on a single business methods workgroup at a time.
 - A sample of recent final rejections with 101 rejections are reviewed to determine if the eligibility decision is correct and also if the written rejection is clear and follows the 2019 PEG.
 - Feedback is delivered to the workgroup SPEs.

Quality initiatives and results – search

- **Objective**

- To strengthen examiner’s search skills and increase confidence in search.
- To emphasize the importance of where searches are performed and search recordation.

- **How**

- Examiners submit search requests including information about the claims and application, as well as attached search histories.
- A search team member diagnoses the search and provides feedback on search strategies and best practices.
- The program also builds and communicates searching best practices.

Quality initiatives and results – search

- **Results**

- A team of search experts was formed, including approximately 30 primaries, QAS, and EIC representatives.
- A search tips and best practices library was created and populated.
- This effort is ongoing in FY21.

Business Methods

Training

Examiner training overview

In addition to mandatory training, each examiner is allotted up to 25 hours in FY 2021 to attend trainings that falls within the categories below:

- Legal, policy and procedure training
 - Examiner refresher training
 - Examiner master classes
 - Patent corps examination training
- Technical training

Patent Examiner Technical Training Program (PETTP)

Business Methods has hosted various large and small technology leaders across diverse industry sectors. Recently:

- Ant Group
- Samsung Research America
- Uber Technologies Inc.
- BoardActive Corp.
- EMVco
- Visa Research
- IBM Research
- Coinbase Global, Inc.



Patent Examiner Technical Training Program (PETTP)

Several on-line technical courses on emerging technologies are available as part of PETTP. Topics include:

- Neural networks, deep learning, machine learning...
- Bitcoin, block chain...
- Artificial intelligence...

Site Experience Education (SEE)

- The SEE program is designed to provide patent examiners with an opportunity to visit organizations and learn about the state of the art technology developments.
- Participating organizations have the chance to communicate directly with patent examiners and gain a greater understanding of the importance of the patent system and how it works.
- Learn more about the SEE program and how you can host at:
www.uspto.gov/SiteExperienceEducation or
by sending an email to SEE@uspto.gov.



Questions?

Please enter your question in the chat box.



