Patent Quality Chat: Measuring Patent Quality

Patent Quality Chat
Webinar Series 2015 (3 of 6)
August 11, 2015
To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov
Patent Quality Chat:
Measuring Patent Quality

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Chat Overview

• OPQA Structure
• Work Product Reviews
• Surveys
• Examiner Transactional Data
• Quality Composite
• Next Steps

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Office of Patent Quality Assurance (OPQA)

• OPQA is responsible for the overall assessment and measurement of patent examination quality at the USPTO.
  – Measurement accomplished through:
    • work product reviews;
    • administration of satisfaction-based surveys; and
    • analysis of examiner transactional data

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Office of Patent Quality Assurance (con’t)

• 53 Review Quality Assurance Specialists (RQAS)
  – Former primary examiners with demonstrated skills in examination quality, productivity, efficiency, mentoring and training
    • Avg. 22 years patent examination experience
  – Tasks include review of examiner work product, training, mentoring, and serving as subject matter experts
    • Assigned to specific technology in which they have examination experience

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Office of Patent Quality Assurance (con’t)

• RQAS Duties:
  – 75% of time dedicated to review of work product
  – 25% of time providing Technology Center training and assistance

• 6 Supervisory RQAS (SRQAS) oversee the RQAS
  – Ensure consistency among reviewers
  – Validate issues raised and interact with Patent Corps

• Statisticians and program analysts

Measuring Quality Through Work Product Reviews
Work Product Reviews

• Randomly selected Office Actions to ensure that any metric we generate represents a true picture of all patent corps work product

Work Product Reviews (con’t)

• Key metrics derived from work product reviews:
  – Final Disposition Compliance Rate
    • Measures correctness of the final determination made by an examiner – either the decision to allow a patent or finally reject it
    • Review for improper or omitted rejections, improper finality, failure to treat arguments
  – In-Process Compliance Rate
    • Measures correctness and reasonableness of Office Actions during prosecution (non-final actions)
    • Review for improper or omitted rejections, improper restriction practice, failure to treat arguments, and other issues that may significantly inhibit the advancement of prosecution

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Other Work Product Reviews

- First Action on the Merits (FAOM) and Search:
  - Implemented in 2011 to better capture quality at initial stages of prosecution
  - Provides more insight into clarity issues than normal compliance reviews
    - Key focus of current quality initiative

- Targeted Reviews
  - Ad hoc reviews to assist in evaluating the effectiveness of training and the impact of programs on quality
    - e.g., 101 rejections, use of 3rd party art submissions, restriction practice

Measuring Quality Through Surveys

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Internal Quality Survey

- Conducted semi-annually
- Measures patent examiner satisfaction with various factors that lead to the ability to perform high quality patent examination
  - Evaluates overall **examiner** experience in past 3 months with respect to:
    - Office-related factors: tools, training, etc.
    - Applicant-related factors: incoming patent applications, applicant responses, etc.

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External Quality Survey

- Conducted semi-annually
- Measures applicant and practitioner satisfaction with patent examination quality
  - Evaluates overall **applicant** experience in past 3 months with respect to:
    - Consistency
    - Reasonableness of rejections
    - Adhering to rules and procedures

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Measuring Quality Through Analysis of Examiner Transactional Data

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Quality Index Reporting (QIR)

- Statistical analysis of data representing examination events (examiner trends) occurring during prosecution
  - Data taken from the USPTO internal database
- Statistical analysis identifies outlier populations that can signal the presence of quality or procedural issues that represent best practices or opportunities for improvement
- Typically a process-based evaluation of quality rather than an end-product inspection

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Using the Data We Collect

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Uses of Quality Data

• In addition to generating metrics of quality to gauge performance, USPTO uses OPQA data to:
  – Develop training
  – Measure effectiveness of training
  – Determine the impact of PTO programs on quality
    • Telework programs, etc.
Putting it all together...

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Quality Composite

- In 2011, USPTO implemented a Quality Composite in an attempt to consolidate the wide variety of quality metrics and generate a single index that could be used to quickly assess progress towards Office goals.
Let’s Chat about...
Measuring Patent Quality

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Thank you for joining us today!

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Webinar Series 2015 (3 of 6)
August 11, 2015
Next Patent Quality Chat:
Improving Global Patent Prosecution

Maria Holtmann
Director of International Programs

Patent Quality Chat
Webinar Series 2015 (4 of 6)
September 8, 2015

To send in questions or comments related to the USPTO’s Enhanced Patent Quality Initiative, please email:

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