Patent Quality Chat: Special Programs for Patent Prosecution

Patent Quality Chat
Webinar Series 2015 (5 of 6)
October 13, 2015
To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov
Patent Quality Chat: Special Programs for Patent Prosecution

Robert Oberleitner  
Assistant Deputy Commissioner for Patent Operations

Dale Shaw  
Acting Administrator of the Ombudsman Program

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Webinar Series 2015 (5 of 6)  
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Agenda

• USPTO Patent Application Initiatives Webpage and Timeline
• Short overview of all patent application initiatives on the timeline
• Ombudsman Program

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Application Initiatives’ Webpage

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Application Initiatives’ Timeline

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Application Initiatives’ Timeline

Initiatives Prior To Or During Examination

- **New Initiatives:**
  - Collaborative Search Pilot (CSP) (JPO – 8/1/2015, KIPO – 9/1/2015)

- **Pilot Initiatives (newest to oldest):**
  - Glossary Pilot (6/2/2014)
  - Track One (Prioritized Examination) (9/2011)
  - Full First Action Interview Pilot (10/2009)

- **Permanent Initiatives (newest to oldest):**
  - Patent Prosecution Highway (PPH) (Global/IP5 PPH – 1/6/2014)
  - Ombudsman Program (4/2010)
  - Accelerated Examination (8/2006)
  - Petition to Make Special (ca. 12/1959)
New Initiatives Prior To Examination

• **Collaborative Search Pilot (CSP):**
  - Allows an applicant with a corresponding application in either Japan or Korea to request a collaborative serial (JPO) or parallel (KIPO) search prior to entering the full first action interview pilot program
  - Discussed during last month’s patent quality chat; a video of this chat can be found on the [Patent Quality Chat website](#)

Pilot Initiatives Prior To Examination

• **Glossary Pilot:**
  - Focuses on enhancing claim clarity in the specification of software-related applications through the use of glossaries

• **Track One (Prioritized Examination):**
  - Provides, for a fee, a final disposition within twelve months, on average, of prioritized status being granted

• **Full First Action Interview Pilot:**
  - Allows an applicant to request a full interview prior to the first Office action on the merits
Permanent Initiatives Prior To Or During Examination

- **Patent Prosecution Highway:**
  - Allows an applicant to fast-track examination of claims in the Office of Later Examination (OLE) when the Office of Earlier Examination (OEE) has found at least one patentable corresponding claim

- **Ombudsman Program:**
  - Enhances the USPTO’s ability to assist applicants with issues that arise during prosecution of an application

- **Accelerated Examination:**
  - Provides, upon a grant to make special (except based on PPH Program or applicant’s age or health), a final disposition within twelve months of special status being granted

- **Petition to Make Special:**
  - Allows applicants to have their applications examined out of turn in certain circumstances

Initiatives After Close of Prosecution

- **After Final Consideration 2.0 (AFCP 2.0):**
  - Authorizes additional time for examiners to search and/or consider responses after final rejection
  - Recently extended to September 30, 2016

- **Pre-Appeal Program:**
  - Allows applicants to request that a panel of examiners formally review the legal and factual basis of the rejections prior to the filing of an appeal brief
Initiatives After Payment of Issue Fee

- **Quick Path IDS (QPIDS):**
  - Eliminates the requirement for filing an RCE with an IDS filed after payment of the issue fee in order for the IDS to be considered by the examiner
  - Recently extended to September 30, 2016

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Ombudsman Program

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Ombudsman Program - Purpose

- Tracks complaints to ensure each is handled within 10 business days
  - Currently averaging 3 business days
  - Tracking database only contains high-level information; the application itself will show the details of the resolution
- Allows identification of training needs through the mining of complaint data to identify trends

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Ombudsman Program - Process

- Applicant/Attorney contacts the program
  - Via email at OmbudsmanProgram@USPTO.gov
  - Via telephone at 571-272-5555 or 1-855-559-8589
- Ombudsman calls within 1 business day to obtain details
  - Ombudsman may address the complaint directly
  - If not, complaint is routed to the person who can address it (e.g., SPE or TC Director)

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# Ombudsman Program – Monthly Totals

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![Graph showing monthly totals](chart.png)

Email questions to PatentQualityEventParticipationBox@uspto.gov

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# Ombudsman Program – Results as of 5/31/15

- Total inquiries to the program:
  - 14,623 inquiries from start of program (April 2010) to May 2015
  - 3,260 inquiries from the start of FY15 to May 2015

- Results of annual surveys:
  - 60% are satisfied with the program
  - 68% would recommend the program to others

Email questions to PatentQualityEventParticipationBox@uspto.gov
Ombudsman Program – Results as of 5/31/15

• Top 5 types of inquiries:
  – After Final
  – Customer Service
  – Petitions
  – Certificates of Correction
  – Case Prosecution Concerns

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Ombudsman Program – Next Steps

• Expand the hours of the Ombudsman Program
  – Desired hours of operation from 8AM-8PM EST

• Establish Points of Contact in each Satellite Office

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Let’s Chat about the Special Programs for Patent Prosecution

Robert Oberleitner
Assistant Deputy Commissioner for Patent Operations

Dale Shaw
Acting Administrator of the Ombudsman Program

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Thank you for joining us today!

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Next Patent Quality Chat: 
Enhanced Patent Quality Initiative

Valencia Martin Wallace
Deputy Commissioner for Patent Quality

Cassandra Spyrou
Senior Advisor to the Deputy Commissioner for Patent Quality

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

WorldClassPatentQuality@uspto.gov