Patent Quality Chat:
Enhancing Examination Evaluation
Using the Master Review Form (MRF)

Patent Quality Chat
Webinar Series 2016 (5 of 11)
May 10, 2016
To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov
Enhanced Patent Quality Initiative

High-quality patents enable certainty and clarity of rights, which fuels innovation and reduces needless litigation. To ensure we continue issuing high-quality patents well into the future, we established the Enhanced Patent Quality Initiative (EPQI). We are strengthening work products, processes, services, and how we measure patent quality at all stages of the patent process.

Updates

• Comment by May 24: We published a Federal Register Notice requesting feedback on our proposed patent quality metrics for fiscal year 2017.
• We want your feedback on our decision to replace the Composite Quality Score, which we used during fiscal years 2011-2015 to report our quality, with individual metrics. To comments, please review the Federal Register Notice.
• We want your feedback to improve how we review examiners’ work products. We created a Master Review Form so all reviewers use consistent criteria when assessing both the correctness and clarity of mailed office actions. To comment on this standardized review form, please review the Federal Register Notice.
• Results update: We received over 115 qualified topics for our Topic Submissions for Case Study program.

Patent Quality Chat:
Enhancing Examination Evaluation Using the Master Review Form (MRF)

Marty Rater
Chief Statistician
Office of Patent Quality Assurance (OPQA)

Sandie Spyrou
Supervisory Review Quality Assurance Specialist
Office of Patent Quality Assurance (OPQA)
# Quality Metrics Redefined

## FY 2011 - FY 2015
- Final Disposition Compliance
- In-Process Compliance
- First Action (FAOM) Review
- Search Review
- Quality Index Reporting (QIR)
- External Quality Survey
- Internal Quality Survey
- Composite Score

## FY 2016
- **Product Indicators**
  - Master Review Form
    - Capturing both correctness and clarity of examiners' final work product using uniform criteria gathered in a single database
- **Process Indicators**
  - Transactional QIR
    - Tracking the efficiency and consistency of our processes (for example, to identify "churning")
- **Perception Indicators**
  - Survey Results
    - Continuing to internally and externally poll perceptions of patent quality

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# Quality Metric Data Source: Product Indicators

## FY 2016
- **Product Indicators**
  - Master Review Form
    - Capturing both correctness and clarity of examiners' final work product using uniform criteria gathered in a single database

## FY 2016 Key Product Metrics
- Correctness
- Clarity

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Quality Metric Data Source: Process Indicators

FY 2016

- **Product Indicators**
  - Master Review Form
  - Capturing both correctness and clarity of examiners’ final work product using uniform criteria gathered in a single database

- **Process Indicators**
  - Transactional QIR
  - Tracking the efficiency and consistency of our processes (for example, to identify “churning”)

- **Perception Indicators**
  - Survey Results
  - Continuing to internally and externally poll perceptions of patent quality

FY 2016 Key Process Indicators

- Reopening Prevention
- Rework Reduction
- Consistency of Decision-Making

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Quality Metric Data Source: Perception Indicators

FY 2016

- **Product Indicators**
  - Master Review Form
  - Capturing both correctness and clarity of examiners’ final work product using uniform criteria gathered in a single database

- **Process Indicators**
  - Transactional QIR
  - Tracking the efficiency and consistency of our processes (for example, to identify “churning”)

- **Perception Indicators**
  - Survey Results
  - Continuing to internally and externally poll perceptions of patent quality

FY 2016 Vital Perception Indicators

- Root Cause Analysis
- Validation/Verification
Using EQS for Validating the Quality Metric

- Utilize the External Quality Survey as a snapshot of stakeholders’ perceptions
- Assure alignment of the quality data underlying our metrics and our external stakeholders’ perceptions
- Exploit the flexibility of the Master Review Form to capture data points that reflect patent quality

Clarity and Correctness Data Capture (CCDC) Program

- Designed to improve the data capture system to enable all reviewers to
  - Consistently document quality review data
  - Access quality review data using the same tool
- Uses a tool called the Master Review Form or MRF
Master Review Form: Goals

- To create a single, comprehensive tool that can be used by all areas of the Office to consistently review final work product.
- To better collect information on the clarity and correctness of Office actions.
- To collect review results into a single data warehouse for more robust analysis.

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Master Review Form

VIEW THE Integrated Quality System (IQS)

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MRF: Overview Rejections Made

Rejections made in Office action. Check all that apply.

- [ ] 35 U.S.C. 102
- [ ] 35 U.S.C. 103
- [ ] 35 U.S.C. 112(a) – Written Description
- [ ] 35 U.S.C. 112(a) – Enablement
- [ ] 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- [ ] 35 U.S.C. 112(a)/(b) – 112(f) Related
- [ ] 35 U.S.C. 101 (Utility/Eligibility)
- [ ] Double Patenting (Statutory)
- [ ] Double Patenting (Nonstatutory obviousness-type)

The MRF is a “Smart Form”

Checking these boxes will determine which sections of the form a reviewer will see.

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MRF: Overview Rejections Omitted

Were there any omitted rejections? Check all that apply

- [ ] 35 U.S.C. 102
- [ ] 35 U.S.C. 103
- [ ] 35 U.S.C. 112(a) – Written Description
- [ ] 35 U.S.C. 112(a) – Enablement
- [ ] 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- [ ] 35 U.S.C. 112(a)/(b) – 112(f) Related
- [ ] 35 U.S.C. 101 (Utility/Eligibility)
- [ ] Double Patenting (Statutory)
- [ ] Double Patenting (Nonstatutory obviousness-type)

The MRF is a “Smart Form”

Reviewers will route to the various Omitted Rejections sections only if one or more of these boxes are

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### MRF: Evaluation of Search

#### Search

**Correctness**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was a classification search recorded by the examiner?</td>
<td></td>
<td></td>
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<tr>
<td>Was an inventor name search recorded by the examiner?</td>
<td></td>
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</tr>
<tr>
<td>Was the examiner’s text search logic recorded by the examiner?</td>
<td></td>
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<tr>
<td>Did the reviewer conduct a search?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Was prior art for the omitted rejection found using/in:</td>
<td></td>
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</tr>
<tr>
<td>Internet Search</td>
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<tr>
<td>IDS</td>
<td></td>
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<tr>
<td>PALM Inventor Name</td>
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<td>892</td>
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<tr>
<td>Classification search</td>
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<tr>
<td>Text search</td>
<td></td>
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<tr>
<td>Other</td>
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<tr>
<td>N/A</td>
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</tbody>
</table>

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### MRF: 102 Rejection Made - Correctness

#### Correctness

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>In-Part</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claimed feature(s) are found in the prior art relied upon</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Claim limitation(s) are properly matched to the prior art relied upon</td>
<td></td>
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</tr>
<tr>
<td>Effective date of the reference applied as prior art is sufficient</td>
<td></td>
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</tr>
<tr>
<td>Reliance on inherency is properly applied</td>
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</tr>
<tr>
<td>The 102 determination was incorrect but the reference would serve as a 103.</td>
<td></td>
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</tr>
<tr>
<td>Each claim rejected under 35 U.S.C. 102 has been properly addressed (i.e., &quot;shotgun&quot; rejection avoided)</td>
<td></td>
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</tr>
<tr>
<td>Did not use incorrect form paragraph(s)</td>
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</tr>
<tr>
<td>Were annotation(s) provided that reasonably pin-point where each claim limitation is met by the reference?</td>
<td></td>
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</tr>
</tbody>
</table>

Email questions to PatentQualityEventParticipationBox@uspto.gov
### MRF: 102 Rejection Made - Clarity

<table>
<thead>
<tr>
<th>Clarity</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Were annotation(s) provided that reasonably pin-point where each claim limitation is met by the reference?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Were explanations provided to further clarify the basis of the rejection(s)?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Were the explanations sufficient to allow applicant to readily understand rejection(s)?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Were statements of inherency clearly explained?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**OVERALL** | | OK | Needs Attention | Significant Deficiency |

**Clarity Comments:**

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### MRF: 112(a) Written Description Made

<table>
<thead>
<tr>
<th>Correctness</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Claim limitations rejected as new matter do not have support in the specification</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Specification fails to describe claimed invention in sufficient detail that one skilled in the art can conclude the inventor was in possession of the claimed invention</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Correct form paragraph(s) used</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**OVERALL** | | OK | Needs Attention | Significant Deficiency |

<table>
<thead>
<tr>
<th>Clarity</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Does the office action clearly state that the rejection is based on the lack of written description?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Was subject matter purported to be unsupported matter clearly identified and discussed?</td>
<td>Yes</td>
<td>In-Part</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**OVERALL** | | OK | Needs Attention | Significant Deficiency |
## MRF: Reply to Applicant

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>In-Part</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were all grounds of rejection clearly presented in the Office action and was the examiner’s position fully developed?</td>
<td></td>
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</tr>
<tr>
<td>Were all of applicant’s arguments addressed in the Office action (whether examiner’s position was correct or not) including arguments with respect to art still relied upon?</td>
<td></td>
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</tr>
<tr>
<td>If applicant’s response should have been found persuasive to overcome the rejection(s), did the examiner drop all of the corresponding rejection(s) in the Office action?</td>
<td></td>
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<tr>
<td>Was the case as a whole allowable based on the record?</td>
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<tr>
<td>Were the affidavits/declarations evaluated sufficiently?</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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## Complete Master Review Form

To view the complete MRF:

http://www.uspto.gov/sites/default/files/documents/MRF.pdf
Quality Metrics

- Federal Register Notice published on March 25, with comments due May 24
  - Requesting feedback on:
    - Decision to replace Composite Quality Score with individual metrics
    - How to objectively measure patent examination quality
    - Standardized Master Review Form

Contact Us:  QualityMetrics2017@uspto.gov

Email questions to PatentQualityEventParticipationBox@uspto.gov

Let’s Chat about the Master Review Form (MRF)

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Thank you for joining us today!

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Next Patent Quality Chat: Tuesday, June 14th
eCommerce Modernization (eMod): Improving the Electronic Patent Application Process