UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

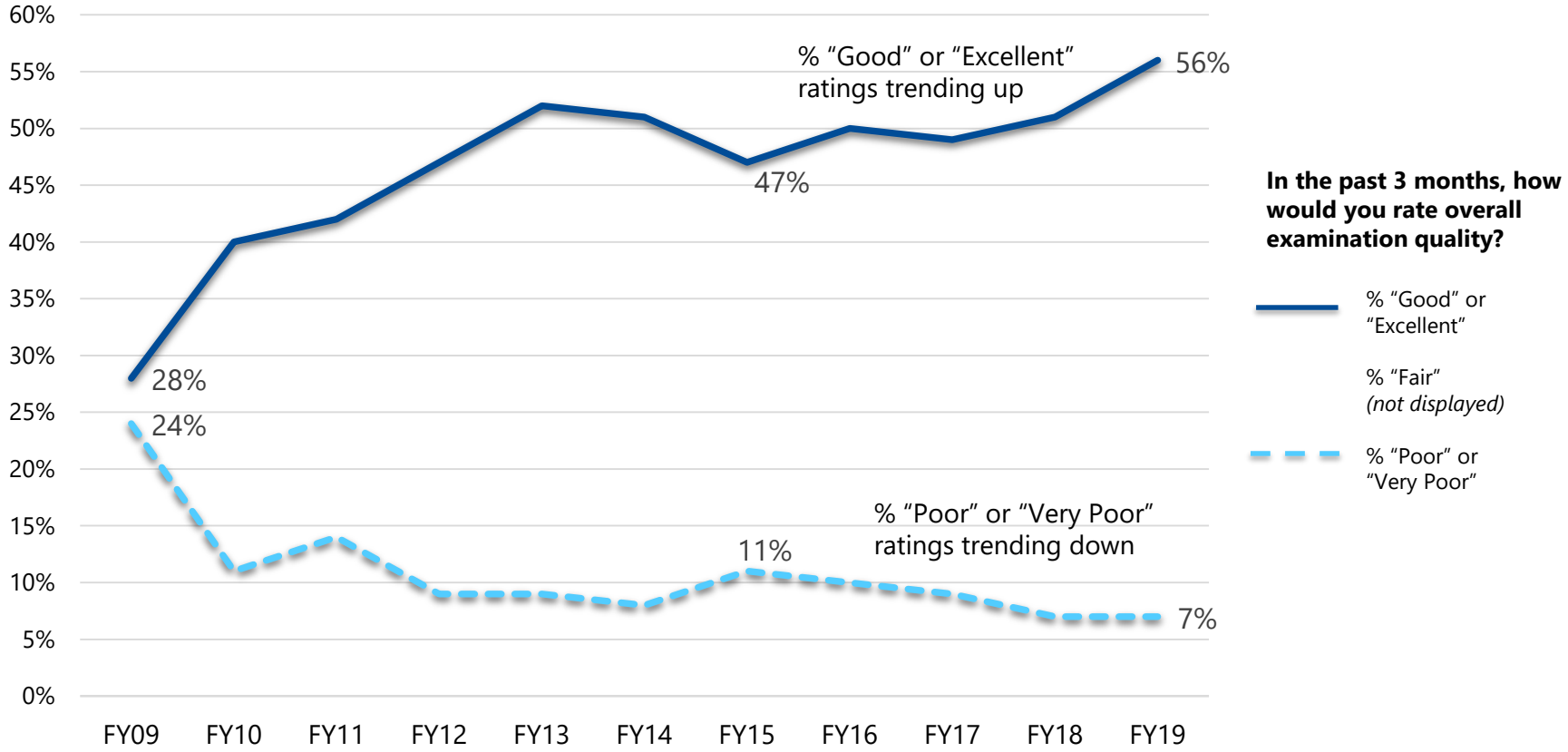# Patents Quality Metrics

Martin Rater

November 14, 2019

Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

Customer perceptions of overall quality

% "Good" or "Excellent" ratings trending up

47%

28%

24%

56%

% "Poor" or "Very Poor" ratings trending down

11%

7%

In the past 3 months, how would you rate overall examination quality?

% "Good" or "Excellent"

% "Fair" *(not displayed)*

% "Poor" or "Very Poor"
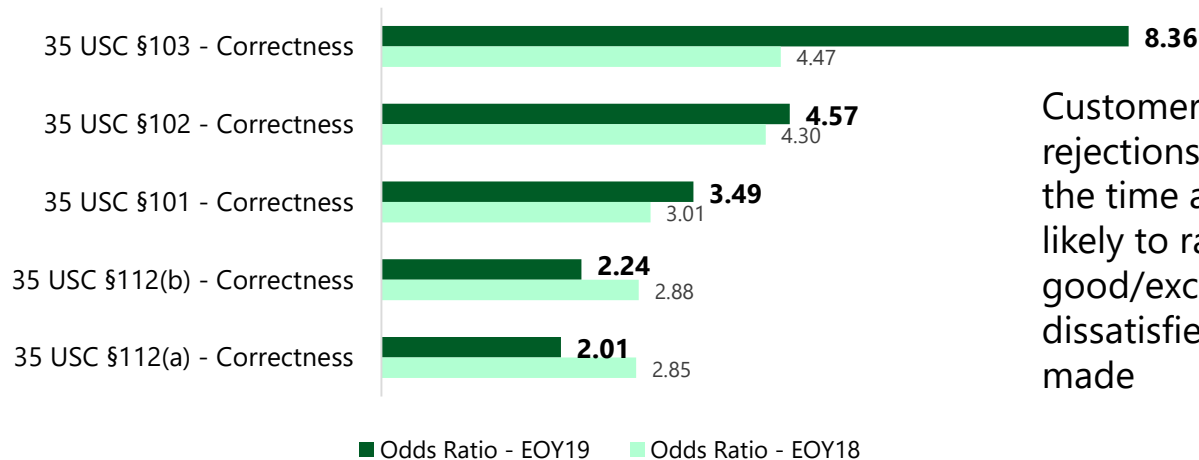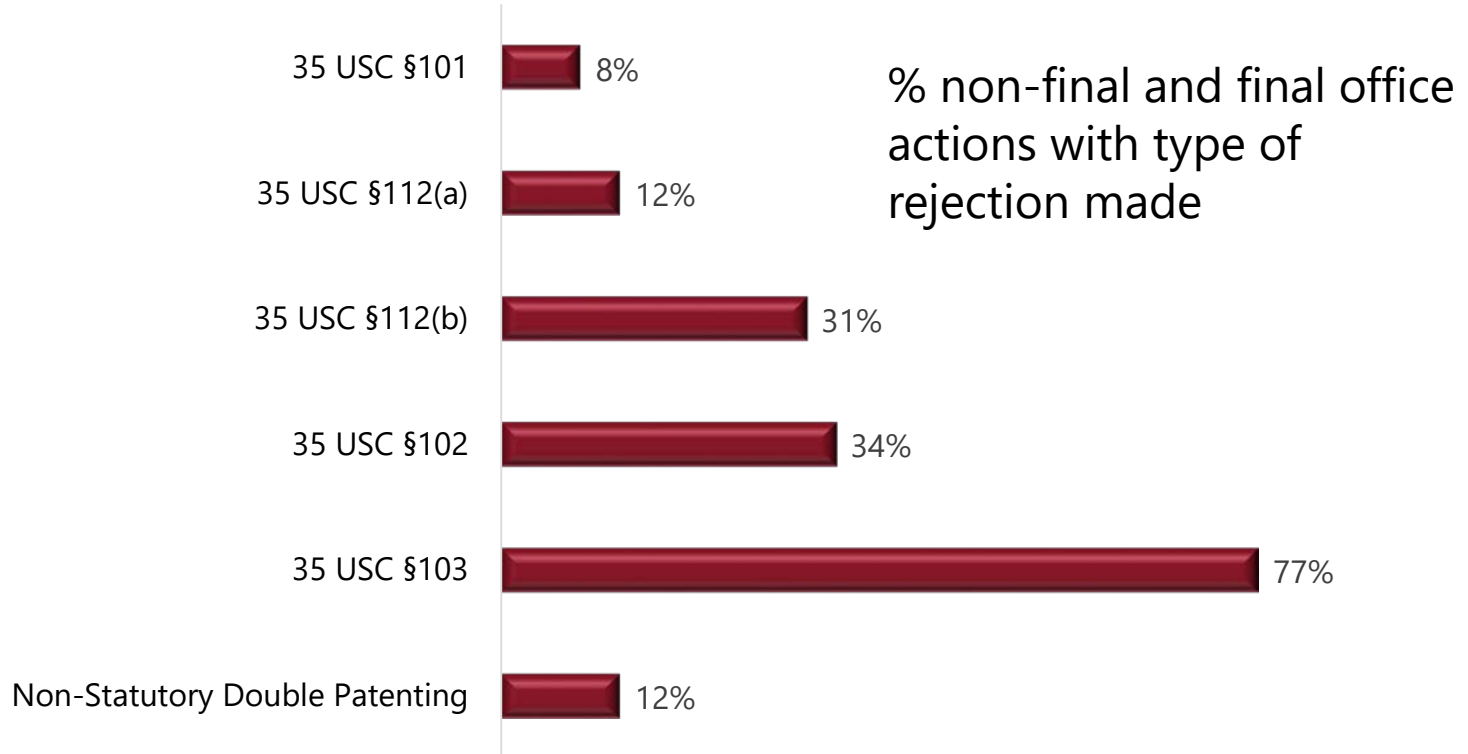
Key drivers of customer perceptions

- Odds ratios
  - if customer rates rejection type to be correct "most/all of the time", how much more likely will they be to rate overall quality as "good/excellent"?

- As with internal review findings, correctness of 35 USC §103 rejections drives overall quality metrics
  - impact of 35 USC §103 rejections has risen significantly since end of FY2018

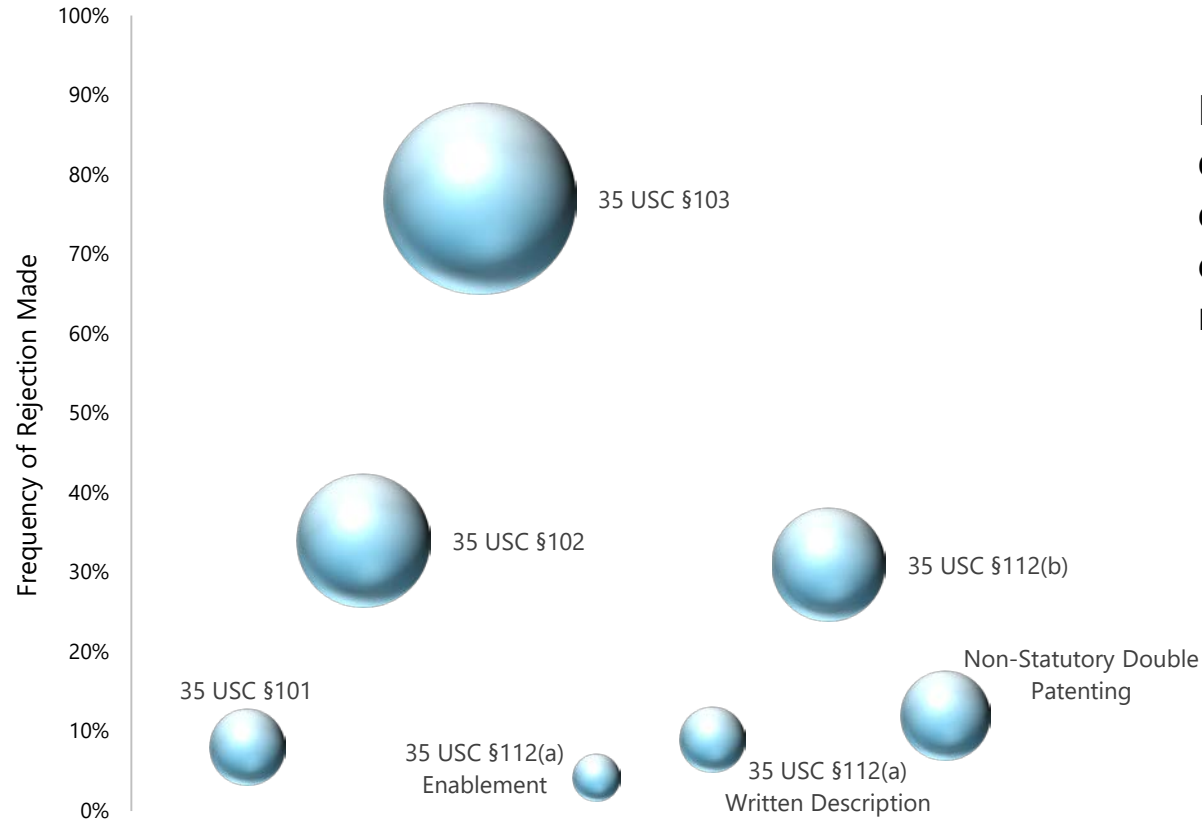| Rejection type	Odds Ratio - EOY19	Odds Ratio - EOY18
35 USC §103 - Correctness	8.36	4.47
35 USC §102 - Correctness	4.57	4.30
35 USC §101 - Correctness	3.49	3.01
35 USC §112(b) - Correctness	2.24	2.88
35 USC §112(a) - Correctness	2.01	2.85

Customers that indicate 103 rejections are correct most/all of the time are over 8 times more likely to rate overall quality as good/excellent than if they were dissatisfied with the rejections made

Rejections made

% non-final and final office actions with type of rejection made

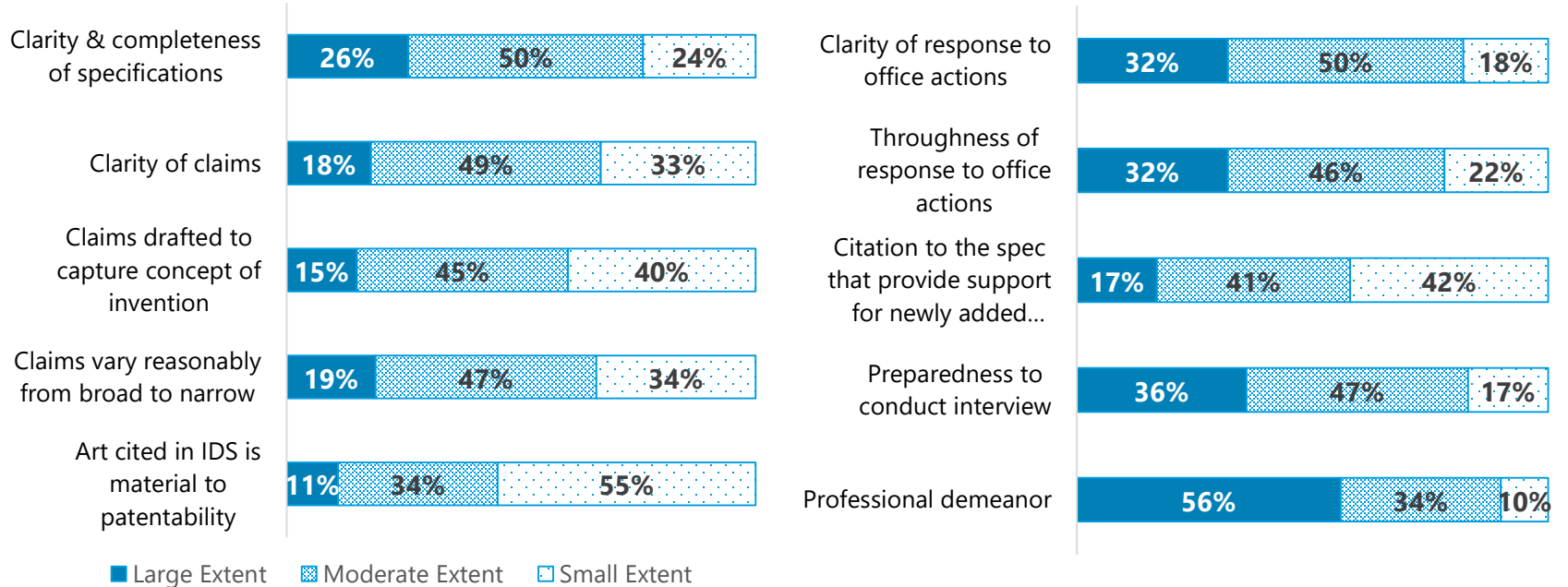| Rejection Type	Percentage
35 USC §101	8%
35 USC §112(a)	12%
35 USC §112(b)	31%
35 USC §102	34%
35 USC §103	77%
Non-Statutory Double Patenting	12%

Internal review findings

Bubble size denotes volume of non-compliant rejections found

External factors impacting quality examination: examiner perceptions

Consider your interactions with applicants and/or their agents/attorneys. To what extent did they facilitate high-quality patent prosecution with respect to…?

Clarity & completeness of specifications: Large Extent 26%, Moderate Extent 50%, Small Extent 24%

Clarity of claims: Large Extent 18%, Moderate Extent 49%, Small Extent 33%

Claims drafted to capture concept of invention: Large Extent 15%, Moderate Extent 45%, Small Extent 40%

Claims vary reasonably from broad to narrow: Large Extent 19%, Moderate Extent 47%, Small Extent 34%

Art cited in IDS is material to patentability: Large Extent 11%, Moderate Extent 34%, Small Extent 55%

Clarity of response to office actions: Large Extent 32%, Moderate Extent 50%, Small Extent 18%

Throughness of response to office actions: Large Extent 32%, Moderate Extent 46%, Small Extent 22%

Citation to the spec that provide support for newly added…: Large Extent 17%, Moderate Extent 41%, Small Extent 42%

Preparedness to conduct interview: Large Extent 36%, Moderate Extent 47%, Small Extent 17%

Professional demeanor: Large Extent 56%, Moderate Extent 34%, Small Extent 10%

■ Large Extent ▨ Moderate Extent ▢ Small Extent

Preventive and corrective actions

- Examiner training
  - Technical training
  - Refresher & Masters Level
  - Non-patent literature training
  - Technology Center specific trainings
  - Examiner Quality Chat series
- Applicant training opportunities
- Technology Center Quality Action Plans

Thank you!

Martin Rater

Chief Statistician, USPTO

martin.rater@uspto.gov

(571) 272-5966

www.uspto.gov