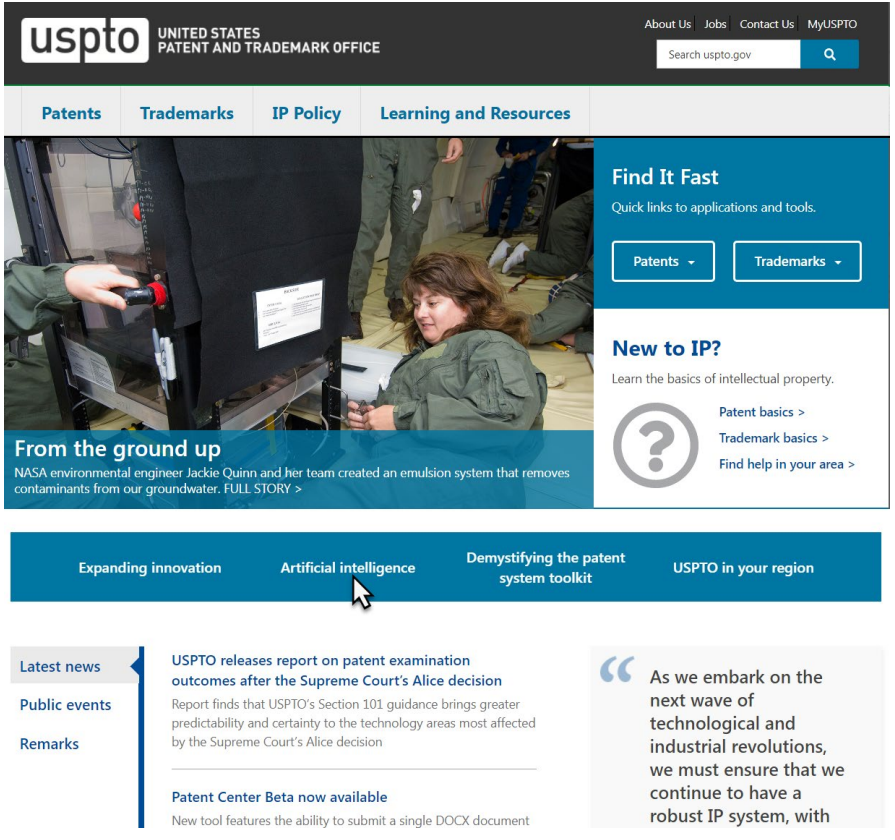
UNITED STATES
PATENT AND TRADEMARK OFFICE

Artificial Intelligence Policy

Coke Morgan Stewart
Senior Policy Advisor and Acting Chief of Staff
May 7, 2020
Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE
uspto

USPTO AI landing page

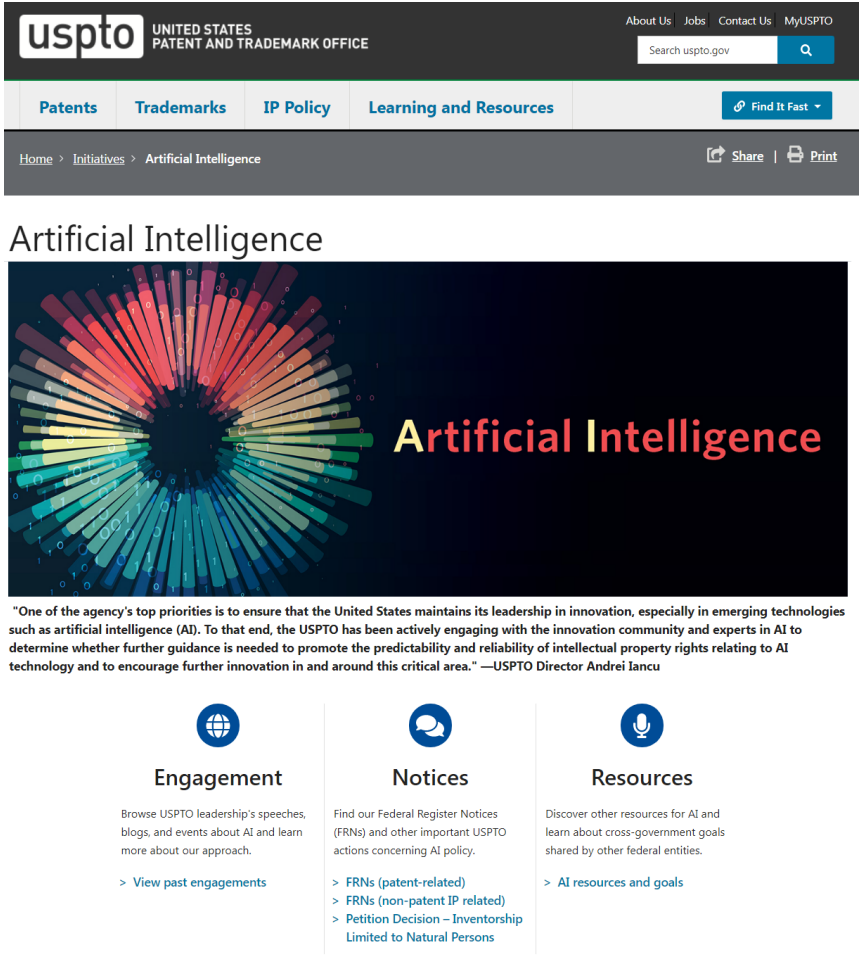


Accessible from the USPTO homepage (https://www.uspto.gov/) by:

(1) "Artificial Intelligence" in the blue ribbon

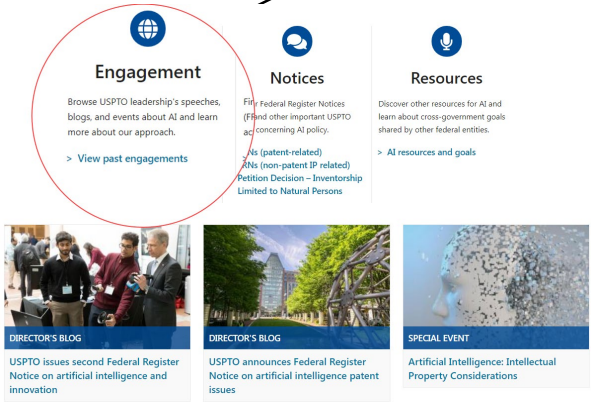
(2) About Us in the top banner > Organizational Offices > Office of the Under Secretary and Director

USPTO AI landing page



Direct link:
https://www.uspto.gov/initiatives/artificial-intelligence

USPTO AI landing page



USPTO engagement on artificial intelligence

Browse our collection of speeches and blogs from United States Patent and Trademark Office (USPTO) leadership discussing our approach to artificial intelligence (AI). You can also find upcoming or past USPTO events featuring AI topics below.

Speeches

- Remarks by Director Iancu at the International Conference on AI-Emerging Technologies and IP
- Remarks by Director Iancu at the Artificial Intelligence: Intellectual Property Considerations event

Blogs

- USPTO Announces Federal Register Notice on Artificial Intelligence Patent Issues
- USPTO Issues Second Federal Register Notice on Artificial Intelligence and Innovation

Events

We engage stakeholders regularly with events on artificial intelligence. Find upcoming events below or view past events for materials and agendas.

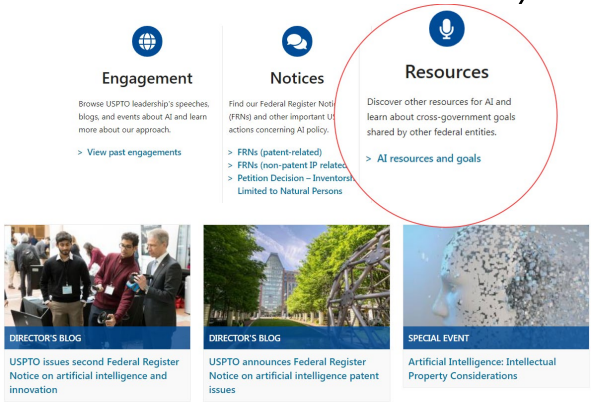
Upcoming

- No upcoming events at this time.

Past

- Artificial Intelligence: Intellectual Property Policy Considerations - January 31, 2019, Alexandria, Virginia

USPTO AI landing page



Artificial intelligence resources

Find a collection of resources devoted to shaping the Administration's and federal government's approach to artificial intelligence (AI).

Federal government resources

- Maintaining American Leadership in Artificial Intelligence (Executive Order No. 13859, February 2019)
- White House AI webpage
- White House Office of Science and Technology (OST) AI webpage
- National Science Foundation (NSF) AI webpage
- National Security Commission on Artificial Intelligence Interim Report (November 2019)
- National Oceanic and Atmospheric Administration (NOAA) AI webpage
- National Institute of Standards and Technology (NIST) AI webpage
- United States Agency for International Development (USAID)
  Artificial Intelligence in Global Health
- United States Department of Defense (DOD)
  Joint Artificial Intelligence Center
- United States Department of Energy (DOE)
- United States Department of Health & Human Services (HHS)
  Agency for Healthcare Research and Quality Artificial Intelligence-related Research Initiatives
- United States Department of Health & Human Services (HHS)
  National Institute of Health, National Institute of Biomedical Imaging and Bioengineering
- United States Food & Drug Administration (FDA)
  Artificial Intelligence and Machine Learning in Software as a Medical Device

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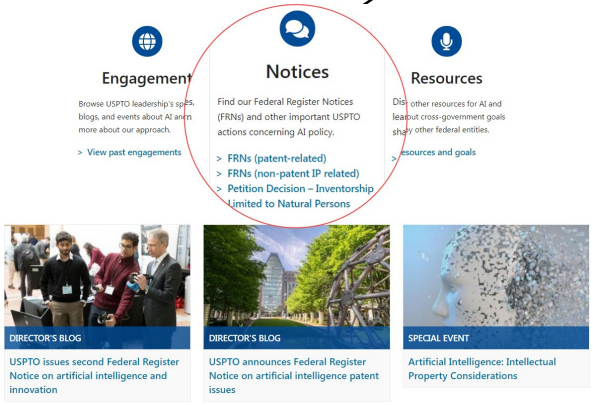

Notices on artificial intelligence

Federal register notices

- Request for Comments on Patenting Artificial Intelligence Inventions (Federal Register Vol. 84, No. 166, August 27, 2019)

Comments from the public

Comments received by category

Expand all | Collapse all

> Individuals

Organizations

AAIH (Alliance for Artificial Intelligence In Healthcare)
ABA IPL (American Bar Association - Intellectual Property Law)
AIPLA (American Intellectual Property Law Association)
AIPPI (Association for the Protection of Intellectual Property)
AIPPI Japan (Association for the Protection of Intellectual Property - Japan)
Askeladden LLC
AUTM
BADC (Bar Association of District of Columbia)
Boston Patent Law Association

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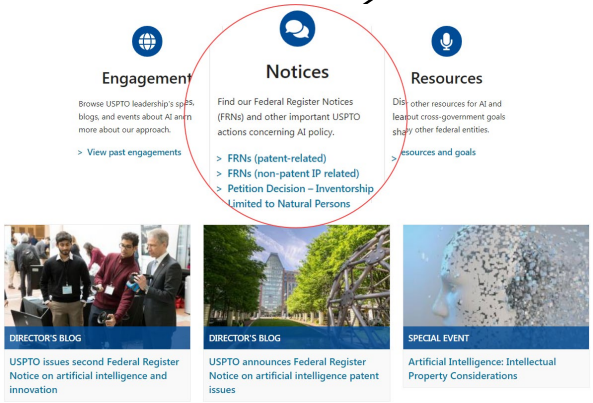


UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED
APR 22 2020
OFFICE OF PETITIONS

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FlashPoint IP Ltd.
Rehov Rabban Gamliel 2
Elad, 4083201
ISRAEL

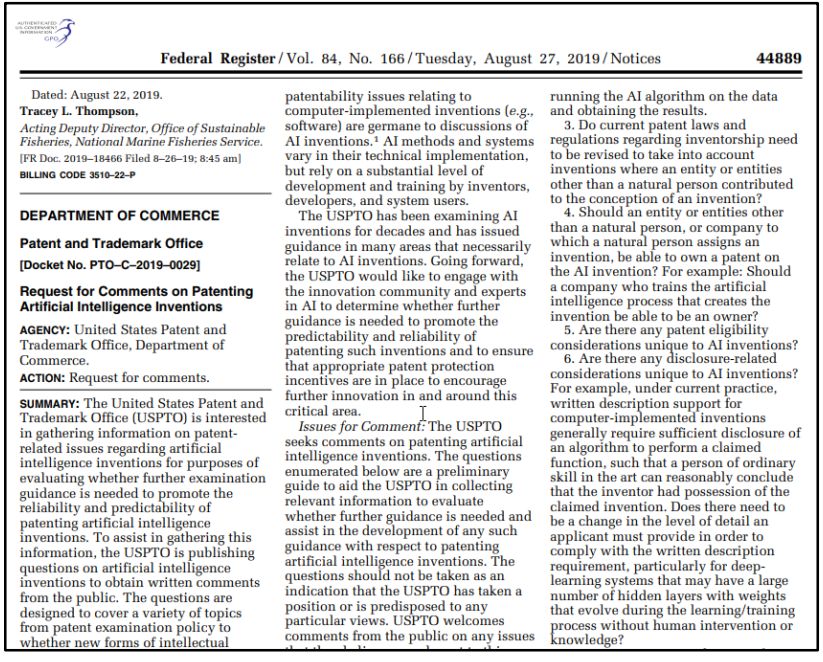
In re Application of :
Application No.: 16/524,350 :
Filed: July 29, 2019 : DECISION ON PETITION
Attorney Docket Number: 50567-3-01-US :
For: DEVICES AND METHODS FOR :
ATTRACTING ENHANCED ATTENTION :

This is a decision on the petition filed January 20, 2020 under 37 CFR 1.181, requesting reconsideration of the decision issued December 17, 2019, which decision refused to vacate the August 8, 2019 Notice to File Missing Parts of Nonprovisional Application.[1]

The petition to vacate the August 8, 2019 Notice to File Missing Parts of Nonprovisional Application is **DENIED.**

USPTO issued request for comments

- August 27, 2019 RFC on AI/patents
  - Twelve questions touching on topics such as inventorship, eligibility, disclosure, enablement, inventive step, etc.
  - Over 90 comments were received from industry, academia, foreign stakeholders, and individuals



Federal Register / Vol. 84, No. 166 / Tuesday, August 27, 2019 / Notices 44889

Dated: August 22, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–18466 Filed 8–26–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2019–0029]

Request for Comments on Patenting Artificial Intelligence Inventions

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) is interested in gathering information on patent-related issues regarding artificial intelligence inventions for purposes of evaluating whether further examination guidance is needed to promote the reliability and predictability of patenting artificial intelligence inventions. To assist in gathering this information, the USPTO is publishing questions on artificial intelligence inventions to obtain written comments from the public. The questions are designed to cover a variety of topics from patent examination policy to whether new forms of intellectual

patentability issues relating to computer-implemented inventions (*e.g.*, software) are germane to discussions of AI inventions.[1] AI methods and systems vary in their technical implementation, but rely on a substantial level of development and training by inventors, developers, and system users.

The USPTO has been examining AI inventions for decades and has issued guidance in many areas that necessarily relate to AI inventions. Going forward, the USPTO would like to engage with the innovation community and experts in AI to determine whether further guidance is needed to promote the predictability and reliability of patenting such inventions and to ensure that appropriate patent protection incentives are in place to encourage further innovation in and around this critical area.

Issues for Comment: The USPTO seeks comments on patenting artificial intelligence inventions. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and assist in the development of any such guidance with respect to patenting artificial intelligence inventions. The questions should not be taken as an indication that the USPTO has taken a position or is predisposed to any particular views. USPTO welcomes comments from the public on any issues

running the AI algorithm on the data and obtaining the results.

3. Do current patent laws and regulations regarding inventorship need to be revised to take into account inventions where an entity or entities other than a natural person contributed to the conception of an invention?

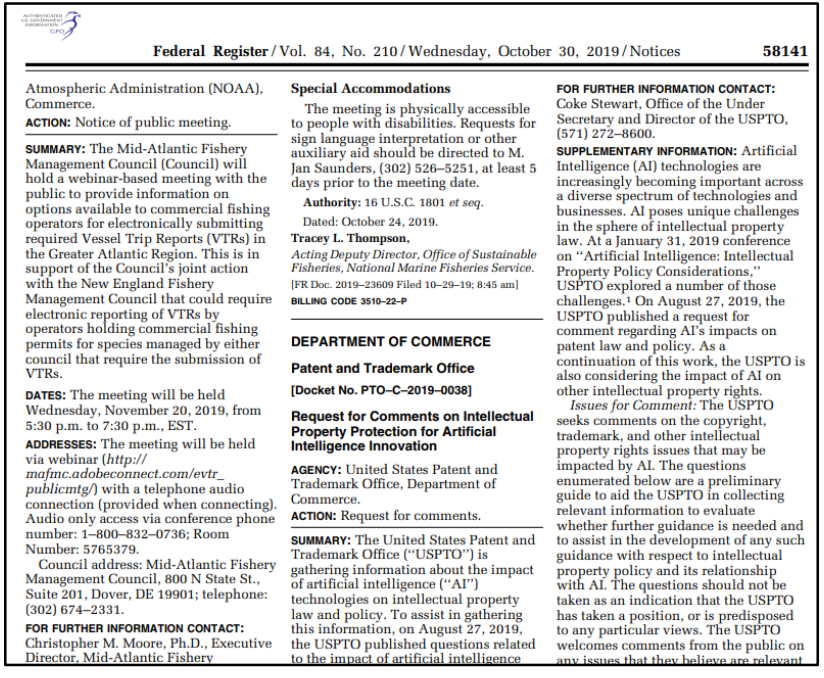
4. Should an entity or entities other than a natural person, or company to which a natural person assigns an invention, be able to own a patent on the AI invention? For example: Should a company who trains the artificial intelligence process that creates the invention be able to be an owner?

5. Are there any patent eligibility considerations unique to AI inventions?

6. Are there any disclosure-related considerations unique to AI inventions? For example, under current practice, written description support for computer-implemented inventions generally require sufficient disclosure of an algorithm to perform a claimed function, such that a person of ordinary skill in the art can reasonably conclude that the inventor had possession of the claimed invention. Does there need to be a change in the level of detail an applicant must provide in order to comply with the written description requirement, particularly for deep-learning systems that may have a large number of hidden layers with weights that evolve during the learning/training process without human intervention or knowledge?

USPTO issued request for comments

- October 30, 2019 RFC on AI on other IP issues
  - 13 questions touching on topics related to copyright, trademark, trade secret, and data rights
  - Nearly 100 comments were received from industry, academia, foreign stakeholders, and individuals



Federal Register / Vol. 84, No. 210 / Wednesday, October 30, 2019 / Notices 58141

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a webinar-based meeting with the public to provide information on options available to commercial fishing operators for electronically submitting required Vessel Trip Reports (VTRs) in the Greater Atlantic Region. This is in support of the Council's joint action with the New England Fishery Management Council that could require electronic reporting of VTRs by operators holding commercial fishing permits for species managed by either council that require the submission of VTRs.

DATES: The meeting will be held Wednesday, November 20, 2019, from 5:30 p.m. to 7:30 p.m., EST.

ADDRESSES: The meeting will be held via webinar (*http://mafmc.adobeconnect.com/evtr_publicmtg/*) with a telephone audio connection (provided when connecting). Audio only access via conference phone number: 1–800–832–0736; Room Number: 5765379.

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 24, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–23609 Filed 10–29–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2019–0038]

Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (''USPTO'') is gathering information about the impact of artificial intelligence (''AI'') technologies on intellectual property law and policy. To assist in gathering this information, on August 27, 2019, the USPTO published questions related to the impact of artificial intelligence

FOR FURTHER INFORMATION CONTACT: Coke Stewart, Office of the Under Secretary and Director of the USPTO, (571) 272–8600.

SUPPLEMENTARY INFORMATION: Artificial Intelligence (AI) technologies are increasingly becoming important across a diverse spectrum of technologies and businesses. AI poses unique challenges in the sphere of intellectual property law. At a January 31, 2019 conference on ''Artificial Intelligence: Intellectual Property Policy Considerations,'' USPTO explored a number of those challenges.[1] On August 27, 2019, the USPTO published a request for comment regarding AI's impacts on patent law and policy. As a continuation of this work, the USPTO is also considering the impact of AI on other intellectual property rights.

Issues for Comment: The USPTO seeks comments on the copyright, trademark, and other intellectual property rights issues that may be impacted by AI. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and to assist in the development of any such guidance with respect to intellectual property policy and its relationship with AI. The questions should not be taken as an indication that the USPTO has taken a position, or is predisposed to any particular views. The USPTO welcomes comments from the public on any issues that they believe are relevant

USPTO’s next steps on AI policy

The USPTO is in the process of reviewing the public comments and will issue a report summarizing them.

Questions and comments

Coke Stewart

Senior Policy Advisor and Acting Chief of Staff

(571) 272-8600

coke.stewart@uspto.gov

UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE