

UNITED STATES
PATENT AND TRADEMARK OFFICE



Vaishali Udupa Commissioner for Patents

September 13, 2023



Directors' update

Tariq Hafiz and Deborah Reynolds
Group Directors, Technology Center 3600
September 13, 2023

Patents customer partnership meetings

Patents customer partnership meetings (CPM) are built upon the engagement of both internal and external stakeholders to provide enhanced communication channels. This provides a valuable opportunity for our external stakeholders to meet directly with USPTO representatives in a collaborative forum.



**BUSINESS METHODS
PARTNERSHIP MEETING**



Patents customer partnership meetings

For information about other CPMs that are being held here at the USPTO you can visit:

<https://www.uspto.gov/patent/cpm>



**BUSINESS METHODS
PARTNERSHIP MEETING**



Call for topics, presenters, and panelists

If you are interested in participating in a future partnership meeting or have ideas for future topics please email us your contact information along with potential discussion topics.



Email: BusinessMethods@uspto.gov or fill out the speaker interest form on the Business Methods website.



Welcome external presenters

Business methods patents in the
United States and China:
Comparisons and strategies

Elizabeth Chien-Hale

Partner

Appleton Luff



Welcome external presenters

Business methods patents in the United States and China: Comparisons and strategies

Xiaolin (Richard) Huang

Partner

ZY Partners



Welcome external presenters

Patenting blockchain technology

Charles R. Macedo

Partner

Amster Rothstein & Ebenstein LLP



Business Methods website

Business Methods



Select from the following for more information on this page

[Subject matter descriptions](#) [Highlights](#) [Prior partnership](#)

[meetings](#) [Statistics](#) [Guidance and training materials](#) [Outreach opportunities and presentations](#) [Examiner decision making process](#) [Contact us](#)

Business Methods subject matter workgroups

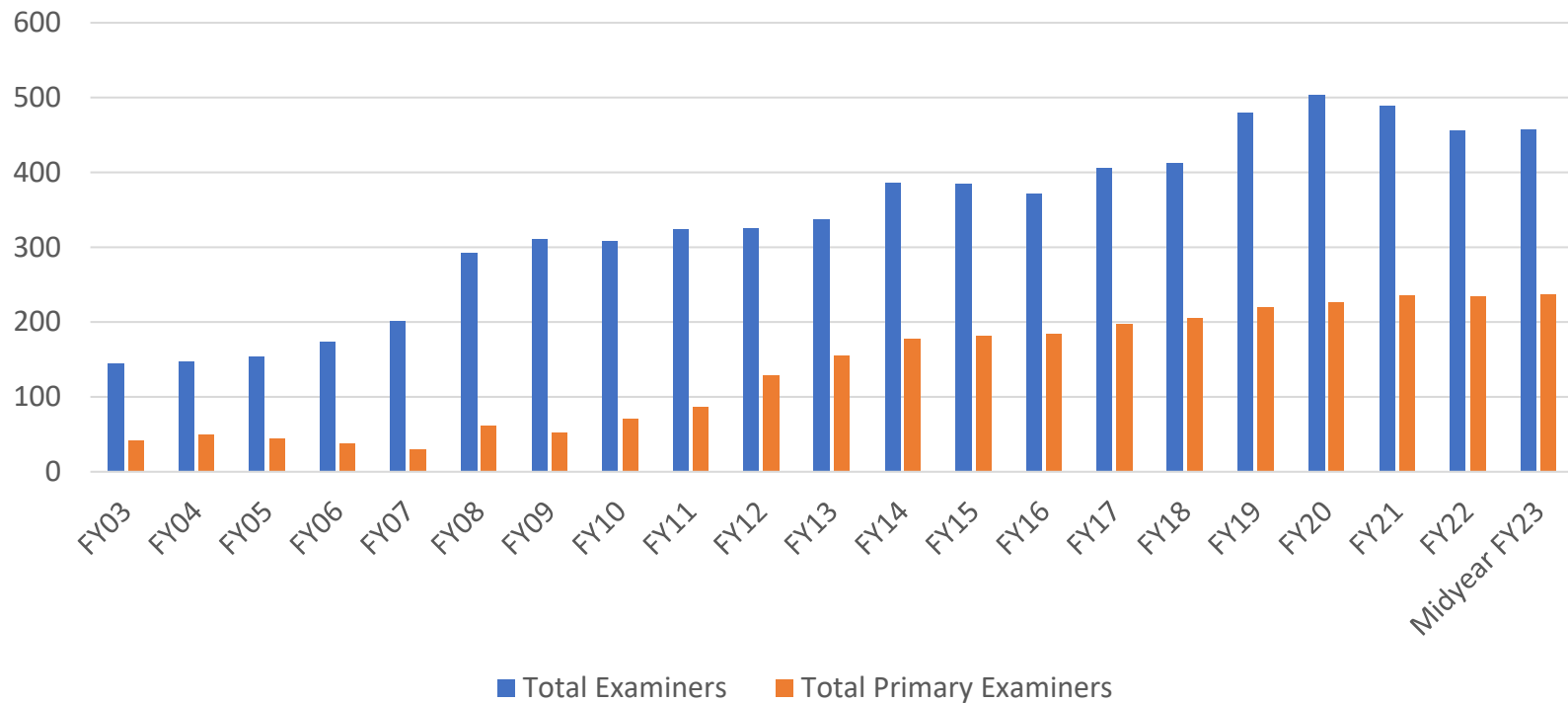
- Incentive programs, coupons, and advertisement
- Operations research and analysis
- E-shopping
- Healthcare
- Business processing, electronic negotiation (miscellaneous), point of sale, inventory, accounting
- Cost/price, reservations, shipping, transportation
- Business cryptography and voting
- Insurance, banking, and finance



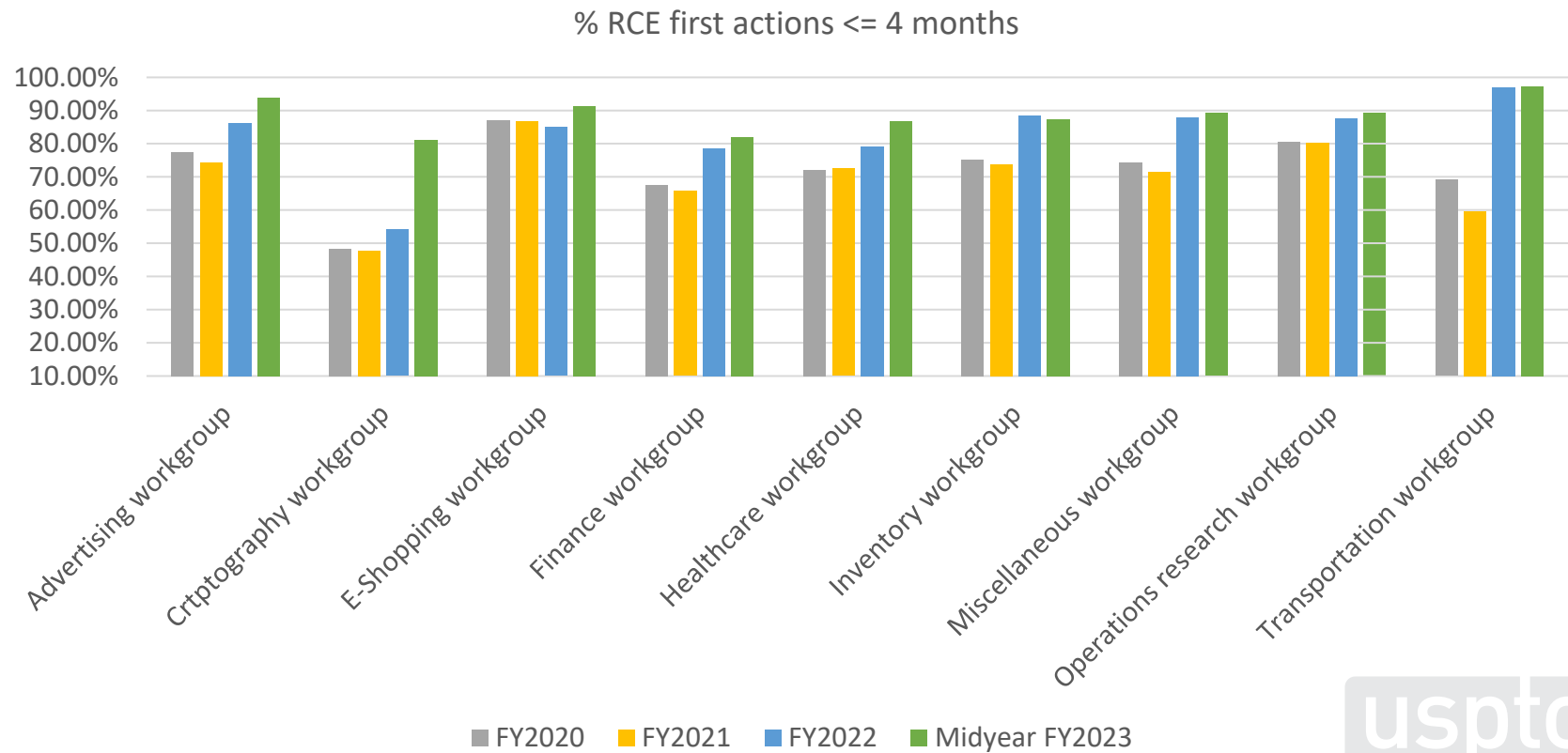
Business Methods

Statistics

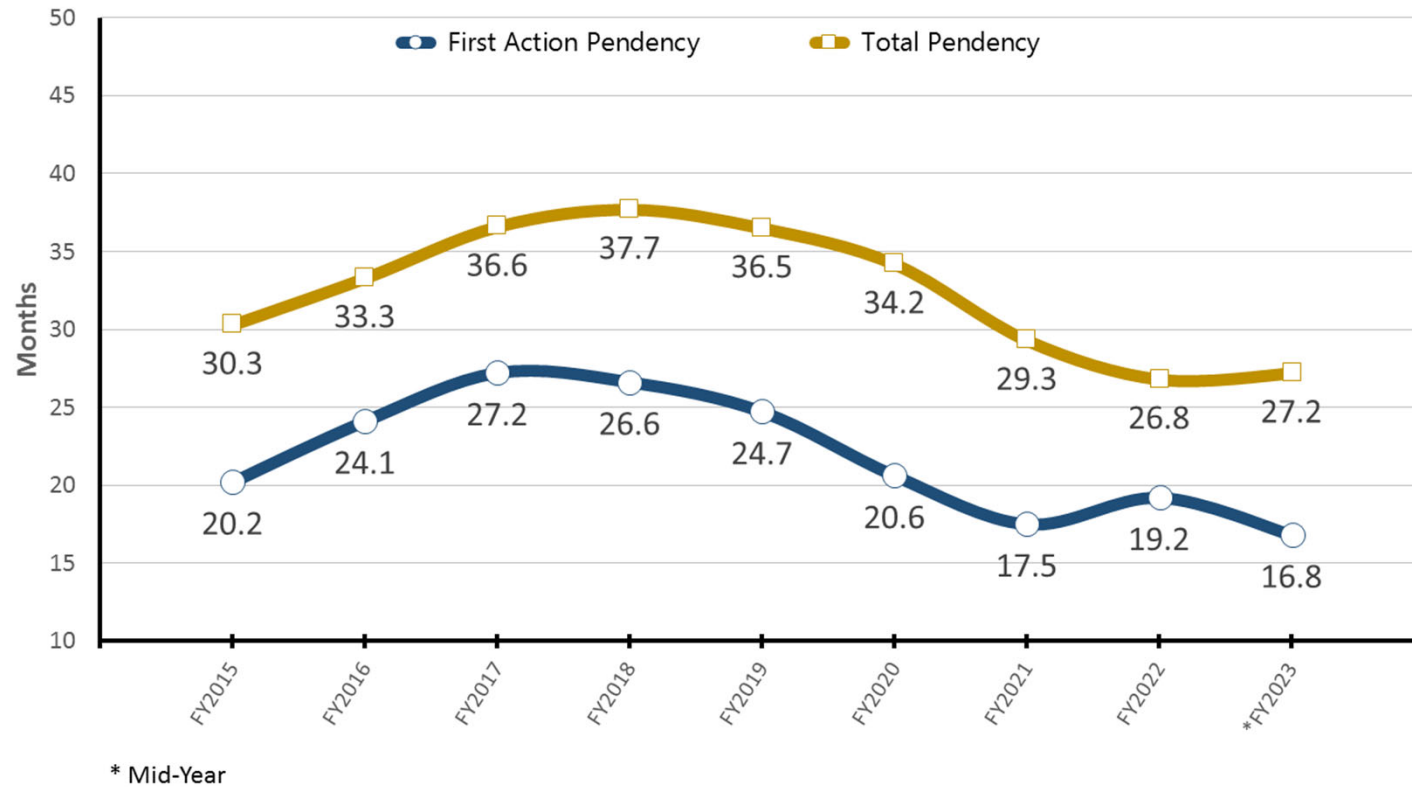
Business Methods examiners



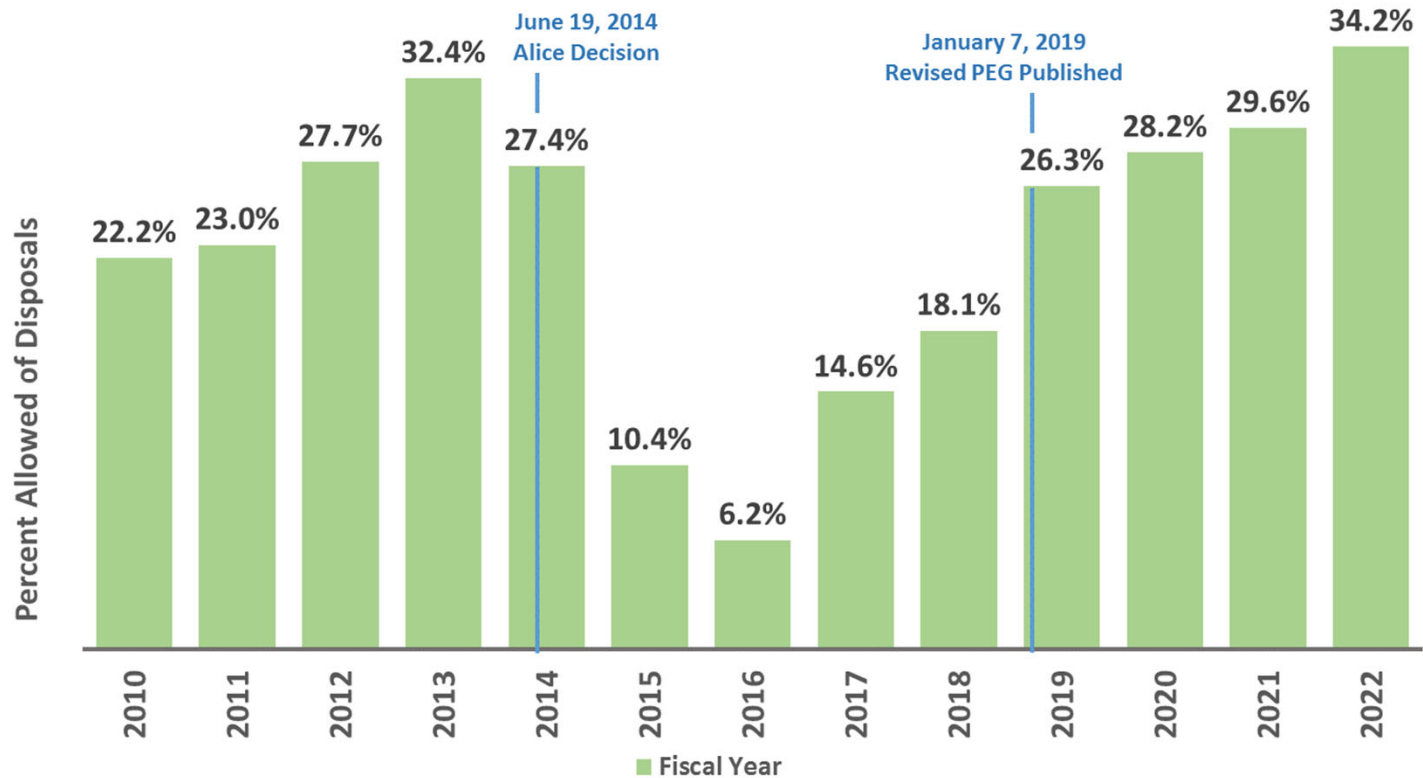
Business Methods Request for Continued Examination (RCE) progress



Business Methods pendency



Business Methods allowance rates



Business Methods

Initiatives

Quality initiatives:

35 U.S.C. 112 clarity and consistency

- Improve consistency and certainty in decision making
 - Deliver trainings across the workgroup on 35 U.S.C. 112(b) and 112(d)
 - Hold quality enhancement discussions with supervisory patent examiners (SPEs) and examiners on 35 U.S.C. 112 related topics
- Increase clarity of drafted 35 U.S.C. 112 rejections
 - Perform focused reviews
 - Results from these reviews provide an opportunity for further discussion and feedback



Quality initiatives:

35 U.S.C. 101 workgroup discussions

- Ensure consistency in decision making and formulation of 101 rejections through small group discussions:
 - Reinforce key points from the Manual of Patent Examining Procedures (MPEP) 2106, examination guidance, training, and explanatory examples
 - Discuss technology specific considerations with regard to eligibility decisions
 - Provide an opportunity for examiners to ask questions and share information
 - Quality assurance specialists provide reminders from the MPEP and share trends, tips and best practices



Quality initiatives:

35 U.S.C. 101 clear record coaching

- Improve the consistency of formulated 101 rejections across the workgroup through voluntary one-on-one meetings:
 - Ensure 101 rejections are formulated per MPEP 2106.07, setting forth a prima facie case of ineligibility clearly and specifically so that applicant has sufficient notice and is able to effectively respond
 - Discuss best practices and tips in establishing a clear and complete explanation on the record as to why a claim(s) is(are) ineligible
 - Provide application specific feedback, and an opportunity for examiners to ask questions and collaborate
 - Not directed towards the substantive determinations of eligibility



Quality initiatives: Search

- Strengthen examiner's search skills to increase confidence in search
- Emphasize the importance of field of search, search strategy, and available tools in locating the best prior art
 - Iteratively sample searches per business method workgroup
 - Deliver overall findings to workgroup Supervisory Patent Examiners (SPEs)
 - Hold quality enhancement meetings with examiners to emphasize searching best practices and to highlight available tools and techniques



Quality initiatives:

35 U.S.C. 103 studies

- Increase the clarity of 103 rejections, and bring focus on characteristics of proper 103 rejections
 - A variety of studies have been performed centered on observed trends:
 - In each study, a set of 103 rejections is sampled
 - Emphasis is placed on the prima facie case made, including the factual findings and the rationale used to combine the references
 - Review notes are shared with SPEs
 - Characteristics of 103 rejections that enhance clarity of the record and consistency in decision making regarding obviousness are communicated to staff

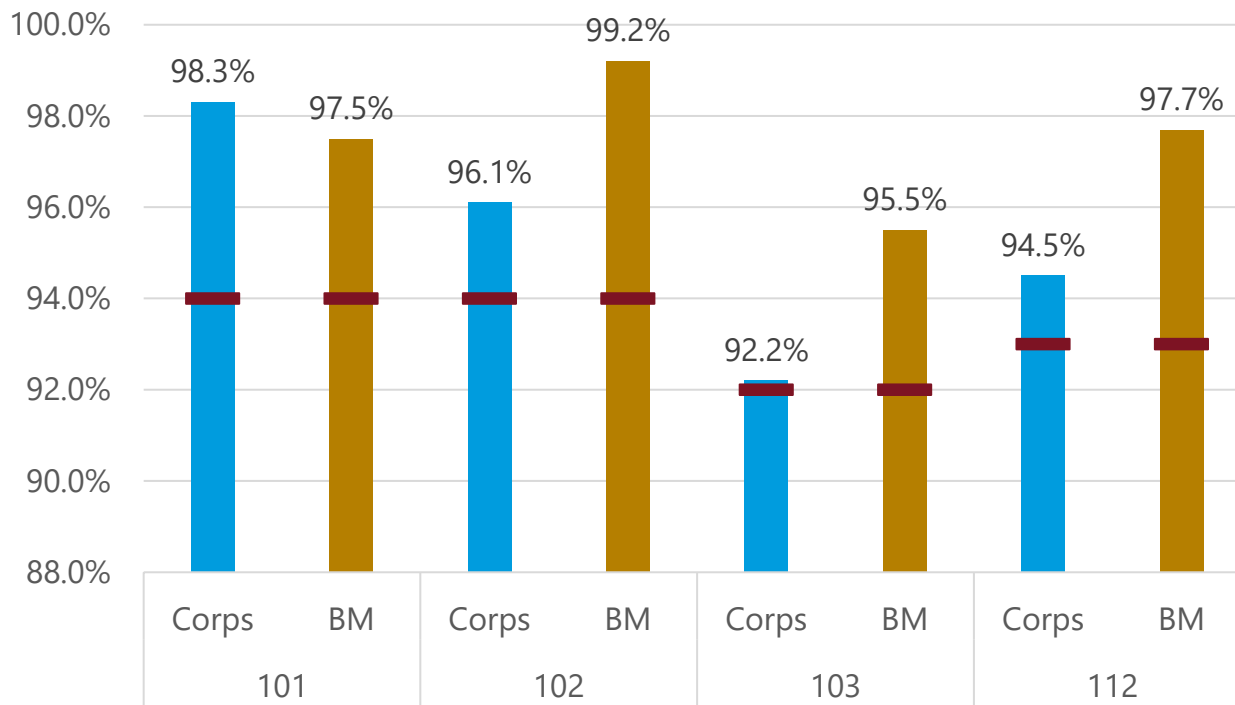


Quality initiatives: Examiner and SPE engagement

- Build a community of interest around quality to promote compact prosecution and knowledge sharing across workgroup boundaries and in small group settings
 - Experienced staff share reminders, tips, and best practices
 - Topics include double patenting, restriction, petitions, and 35 U.S.C. 103
 - Partner with USPTO business units to enhance learning
 - Panel discussions with Patent Trial and Appeal Board (PTAB) judges and staff from the Office of Patent Quality Assurance (OPQA)
 - Provides an opportunity for examiners to ask questions, share best practices, and promote a culture of high quality and compact prosecution



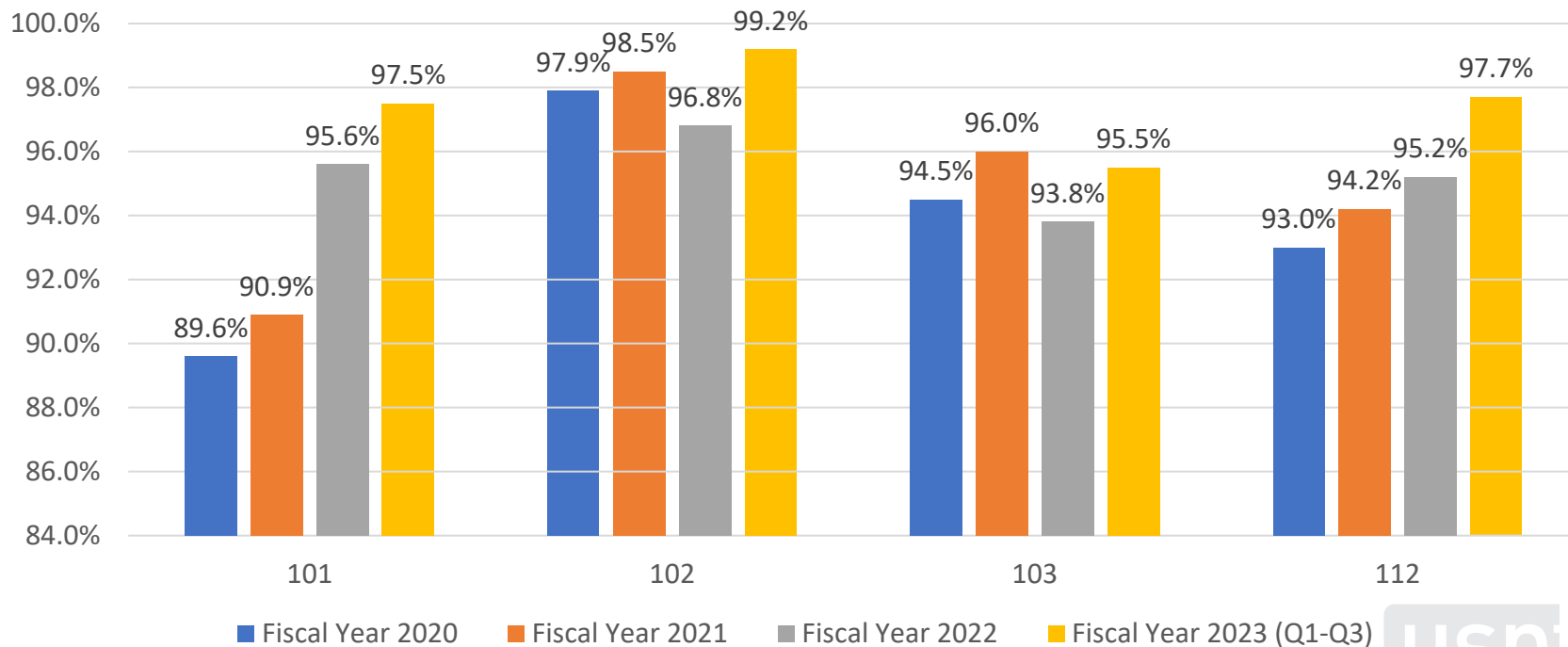
FY23 Office of Patent Quality Assurance (OPQA) Corps and Business Methods compliance rates



Compliance rates are for Fiscal Year 2023, Q1-Q3



OPQA compliance rates per Fiscal Year Business Methods Workgroups FY20-FY23

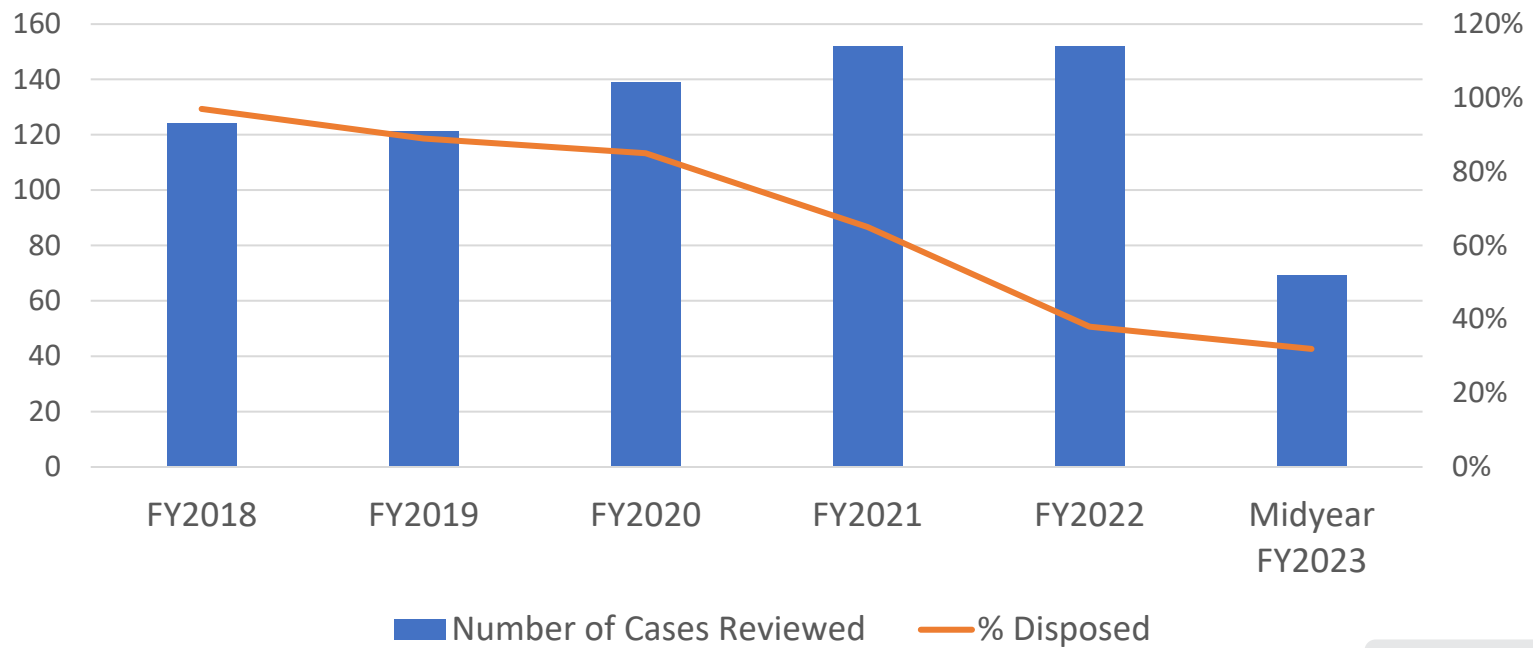


Pendency initiative - oldest pending cases

- To provide supervisory oversight to the oldest pending cases in the Business Methods workgroups
 - Managers review the prosecution history of the oldest pending cases in their art units to resolve any outstanding issues and advance prosecution
- To address the inventory of applications pending for more than five years
 - This initiative resulted in a proactive approach that improved pendency and customer satisfaction
 - Examiners received the assistance, when necessary, to advance prosecution



Oldest pending case pendency initiative



Pendency initiatives

- Business Methods continues to focus on:
 - % RCE first actions < four months
 - % Inventory RCEs < four months
 - Oldest unexamined applications

Patent examiner technical training program (PETTP)

- This fiscal year, Business Methods has hosted various large and small technology leaders across diverse industry sectors. Recent presenters include:
 - Instacart
 - Z Advanced Computing, Inc. (ZAC)
 - Tata Consulting Services (TCS)
 - SAS
 - Whisker LLC
- Technical Training On Demand (TTOD) is available in a virtual catalog for emerging technologies



Site experience education (SEE)

- The SEE program is designed to provide patent examiners with an opportunity to visit organizations and learn about the state of the art technology developments
- Participating organizations have the chance to communicate directly with patent examiners and gain a greater understanding of the importance of the patent system and how it works
- Learn more about the SEE program and how you can host at:
www.uspto.gov/SiteExperienceEducation or by sending an email to SEE@uspto.gov



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Assistance and resources

When to contact a SPE

- A SPE is always available as a first point of contact
- SPEs can access a variety of internal resources and provide suggested plans of action or additional contacts
- Contact a SPE if:
 - Can't reach an examiner
 - Having trouble making progress with an examiner
 - Have procedural questions that an examiner can't answer



When to contact a Director

- Contact a director if:
 - Unable to reach a SPE
 - Issues remain after working with a SPE
- Contact info:
 - Call (571) 270-1490
 - Email Tariq.Hafiz@uspto.gov or Deborah.Reynolds@uspto.gov



Patents Ombuds Office

- The Patents Ombuds Office enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution.
- It is recommended that practitioners start with the examiner and/or the SPE before contacting the Patents Ombuds Office if there is a breakdown in communication.
- Contact info:
- Email: PatentsOmbudsOffice@uspto.gov
- Website: www.uspto.gov/learning-and-resources/support-centers/patents-ombuds-office
- Phone: 571-272-5555 or 1-855-559-8589 (toll free)



Interview specialist

- Interview specialists are subject matter experts in each Technology Center (TC) on interview practice and policy. They are available to assist both applicants and examiners.
- Contact info:
 - ExaminerInterviewPractice@uspto.gov



Inventors Assistance Center (IAC)

- The IAC provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and primary examiners who answer general questions concerning patent examining policy and procedure.
- Contact info:
- Phone: 571-272-1000 or 1-800-786-9199 (toll free)





Questions?

Please enter your question in the chat box.



