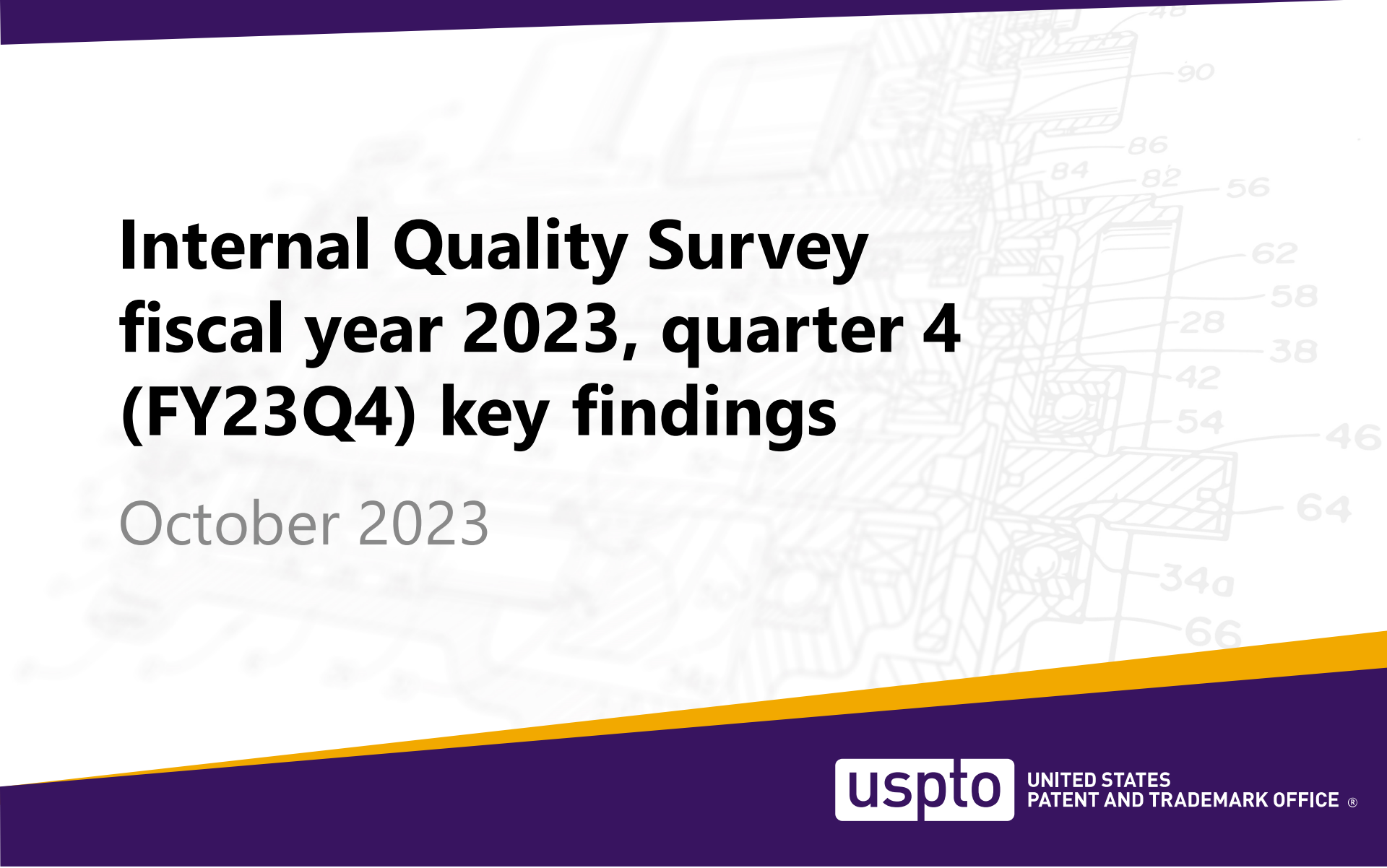UNITED STATES
PATENT AND TRADEMARK OFFICE

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Internal Quality Survey fiscal year 2023, quarter 4 (FY23Q4) key findings

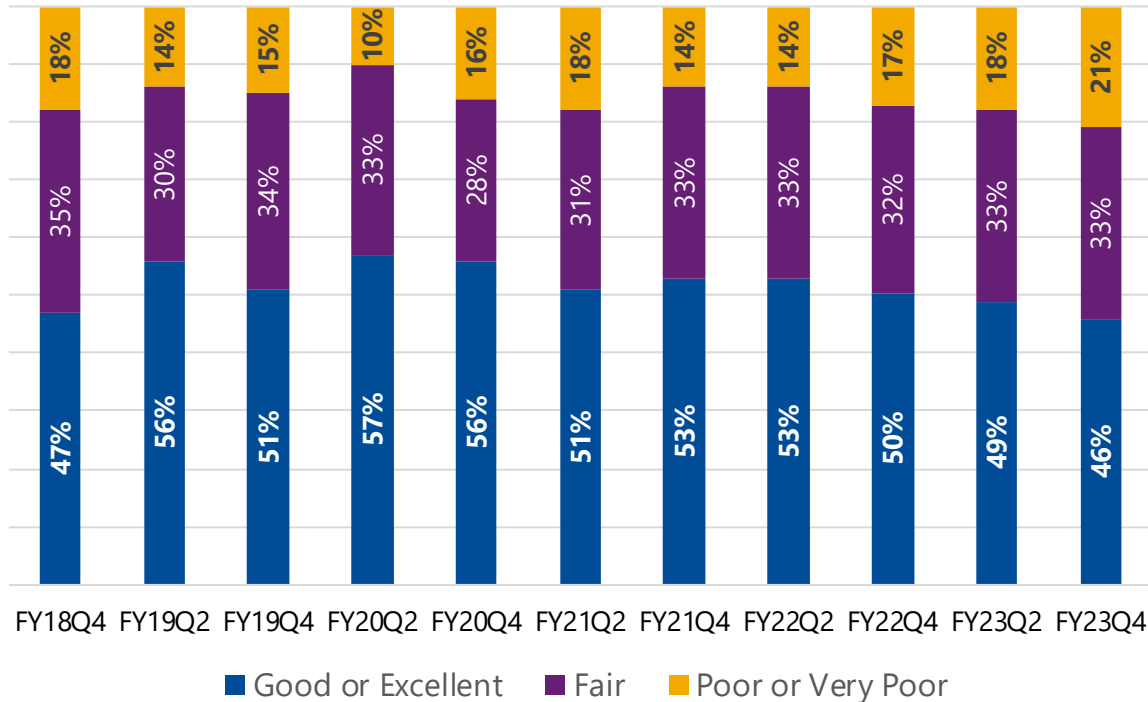October 2023

Methodology

- Semi-annual survey to coincide with external quality perception survey

- Administered to random sample of 815 patent examiners covering all technologies and grades

- Assess internal and external factors that impact examiners' ability to provide high-quality patent examination

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Internal factors – (overall) historic

During the past quarter, overall, how would you rate the internal USPTO factors (training, tools coaching, etc.) that impact your ability to provide high-quality patent examination?

Source: USPTO semi-annual Internal Quality Survey

	FY18Q4	FY19Q2	FY19Q4	FY20Q2	FY20Q4	FY21Q2	FY21Q4	FY22Q2	FY22Q4	FY23Q2	FY23Q4
Poor or Very Poor	18%	14%	15%	10%	16%	18%	14%	14%	17%	18%	21%
Fair	35%	30%	34%	33%	28%	31%	33%	33%	32%	33%	33%
Good or Excellent	47%	56%	51%	57%	56%	51%	53%	53%	50%	49%	46%

Good or Excellent ■ Fair ■ Poor or Very Poor

Internal factors – (overall) NPS

During the past quarter, overall, how would you rate the internal USPTO factors (training, tools coaching, etc.) that impact your ability to provide high-quality patent examination?
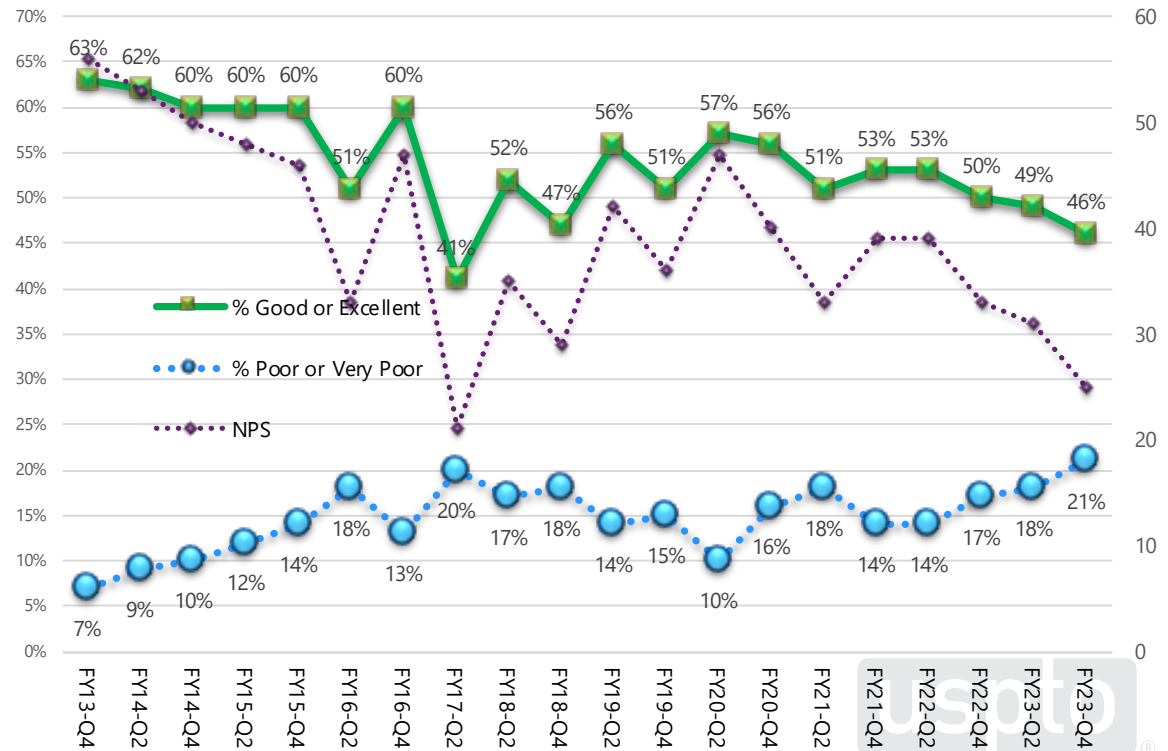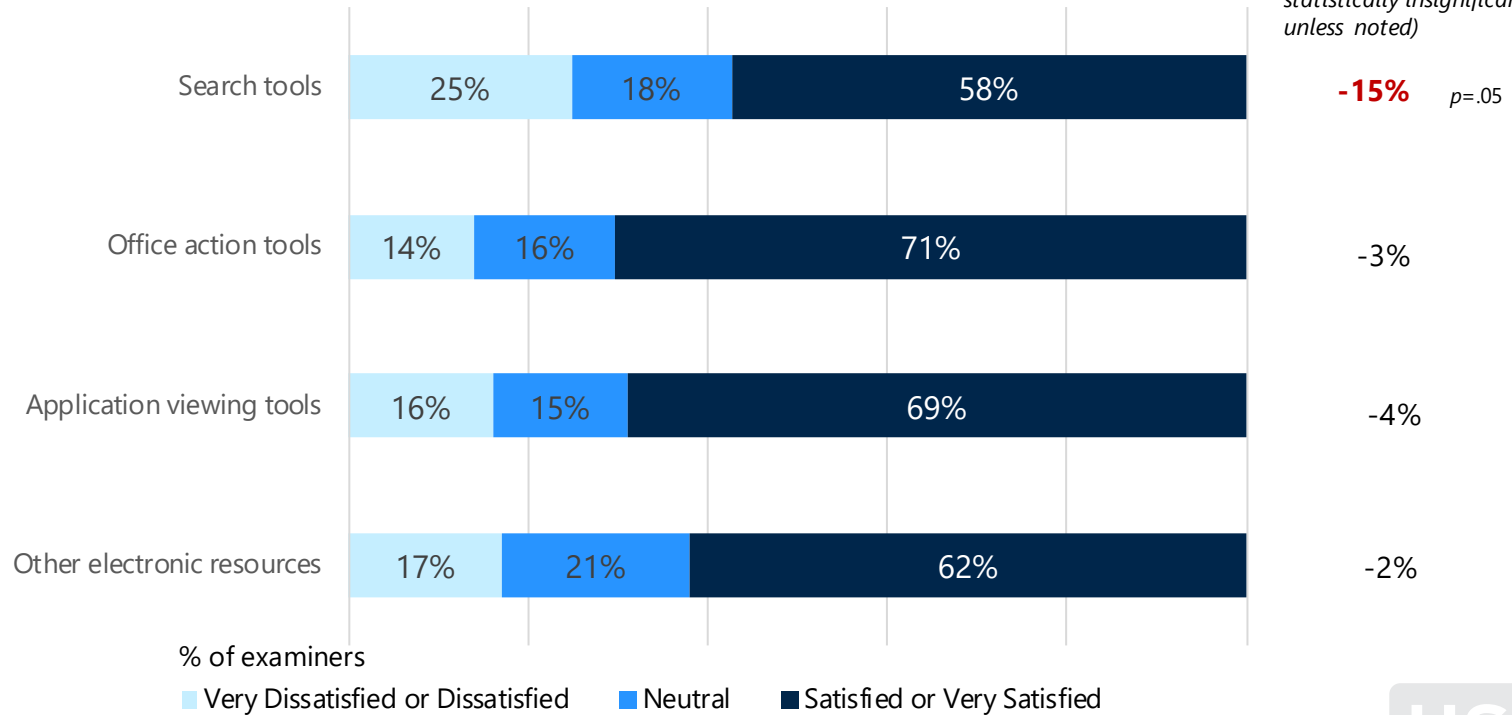
q^{ei}NPS				
	Good or Excellent	Poor or Very Poor	Ratio	Net Promoter Score
FY13-Q4	63%	7%	9.00	56
FY14-Q2	62%	9%	6.89	53
FY14-Q4	60%	10%	6.00	50
FY15-Q2	60%	12%	5.00	48
FY15-Q4	60%	14%	4.29	46
FY16-Q2	51%	18%	2.83	33
FY16-Q4	60%	13%	4.62	47
FY17-Q2	41%	20%	2.05	21
FY18-Q2	52%	17%	3.06	35
FY18-Q4	47%	18%	2.61	29
FY19-Q2	56%	14%	4.00	42
FY19-Q4	51%	15%	3.40	36
FY20-Q2	57%	10%	5.70	47
FY20-Q4	56%	16%	3.50	40
FY21-Q2	51%	18%	2.83	33
FY21-Q4	53%	14%	3.79	39
FY22-Q2	53%	14%	3.79	39
FY22-Q4	50%	17%	2.94	33
FY23-Q2	49%	18%	2.72	31
FY23-Q4	46%	21%	2.19	25

Internal factors – FY23Q4

Satisfaction with tools

Category	Very Dissatisfied or Dissatisfied	Neutral	Satisfied or Very Satisfied	Change
Search tools	25%	18%	58%	**-15%** p=.05
Office action tools	14%	16%	71%	-3%
Application viewing tools	16%	15%	69%	-4%
Other electronic resources	17%	21%	62%	-2%

% of examiners

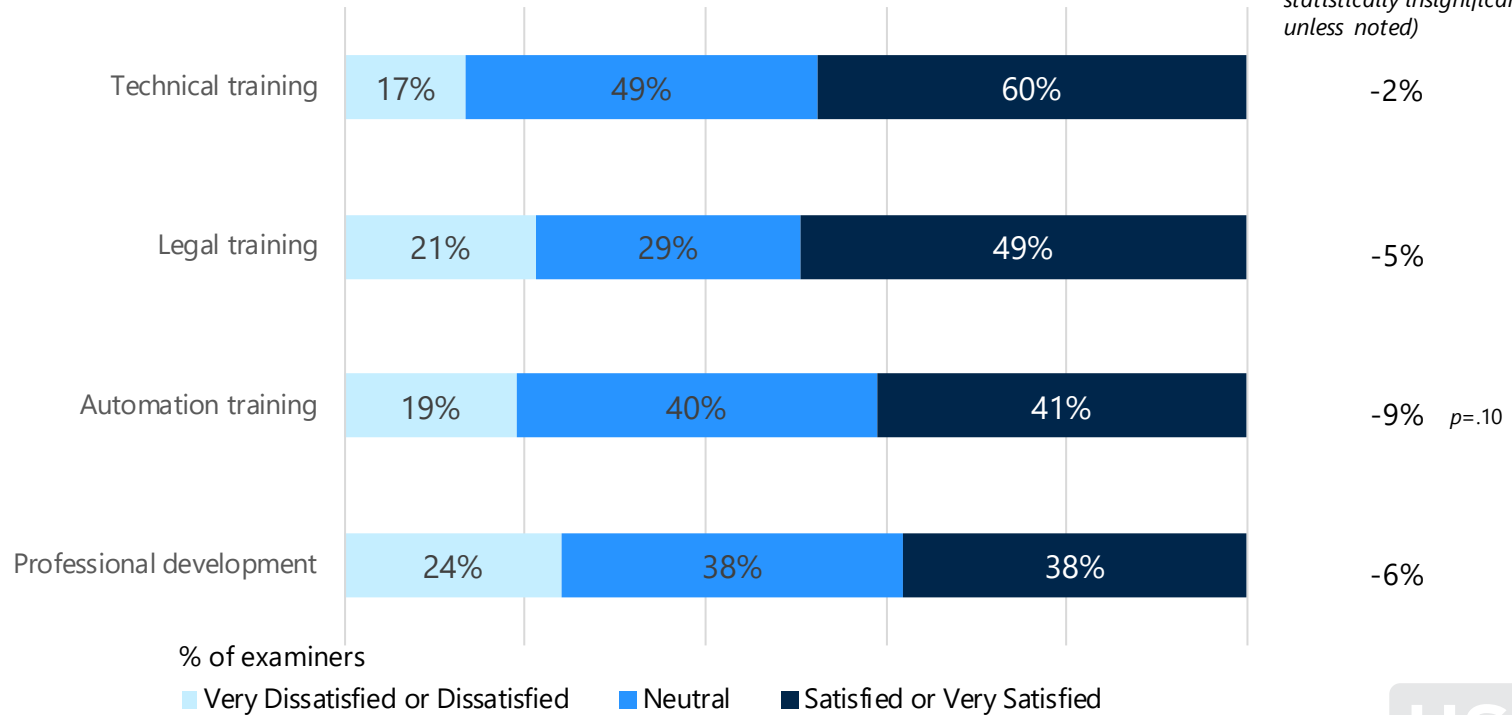■ Very Dissatisfied or Dissatisfied   ■ Neutral   ■ Satisfied or Very Satisfied

Source: USPTO FY23Q4 Internal Quality Survey

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Internal factors – FY23Q4

Satisfaction with effectiveness of training

Change in % satisfied from prior survey (all statistically insignificant unless noted)

	% of examiners	Change
Technical training	17% · 49% · 60%	-2%
Legal training	21% · 29% · 49%	-5%
Automation training	19% · 40% · 41%	-9% *p=.10*
Professional development	24% · 38% · 38%	-6%

% of examiners

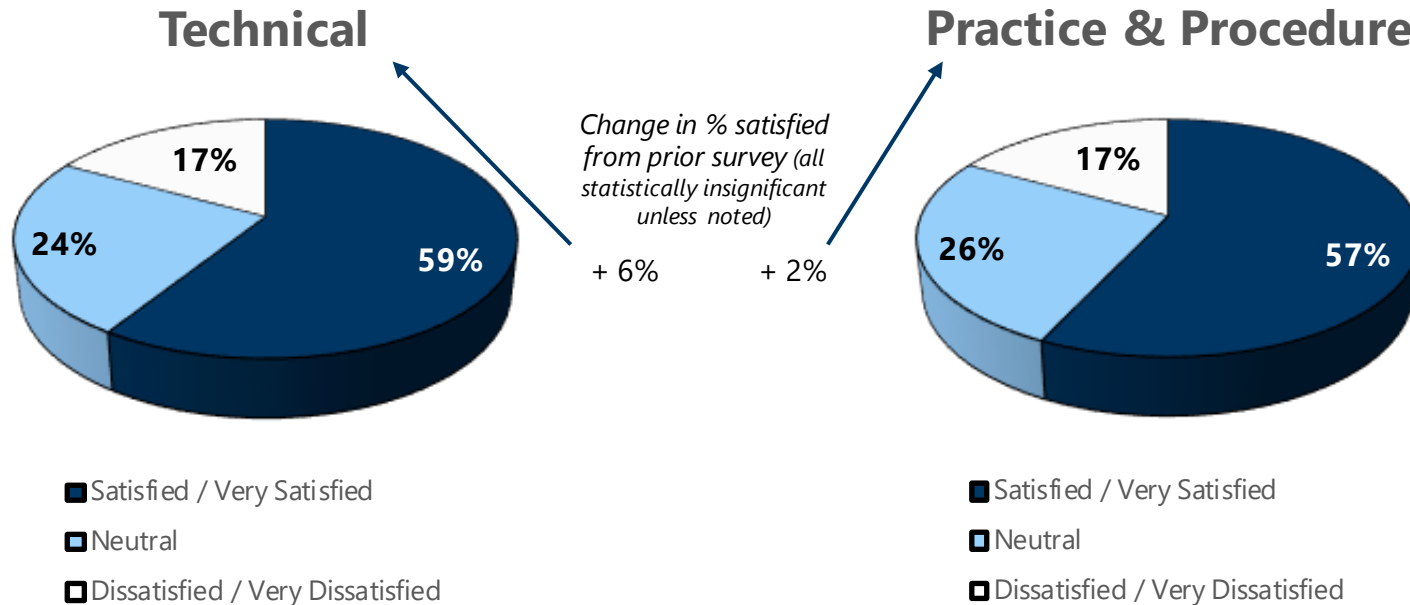■ Very Dissatisfied or Dissatisfied ■ Neutral ■ Satisfied or Very Satisfied

Source: USPTO FY23Q4 Internal Quality Survey

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Internal factors – FY23Q4

Level of satisfaction with the effectiveness of coaching/mentoring received to maintain/improve the quality of work with respect to:

Technical

17%

24%

59%

Practice & Procedure

17%

26%

57%

Change in % satisfied from prior survey (all statistically insignificant unless noted)

+ 6%   + 2%

■ Satisfied / Very Satisfied
■ Neutral
☐ Dissatisfied / Very Dissatisfied

■ Satisfied / Very Satisfied
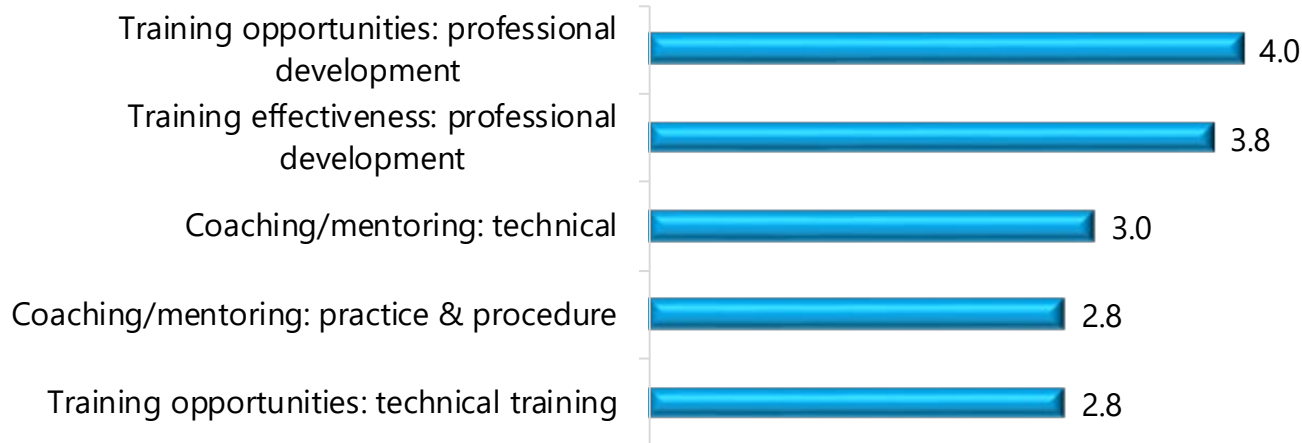■ Neutral
☐ Dissatisfied / Very Dissatisfied

Source: USPTO FY23Q4 Internal Quality Survey
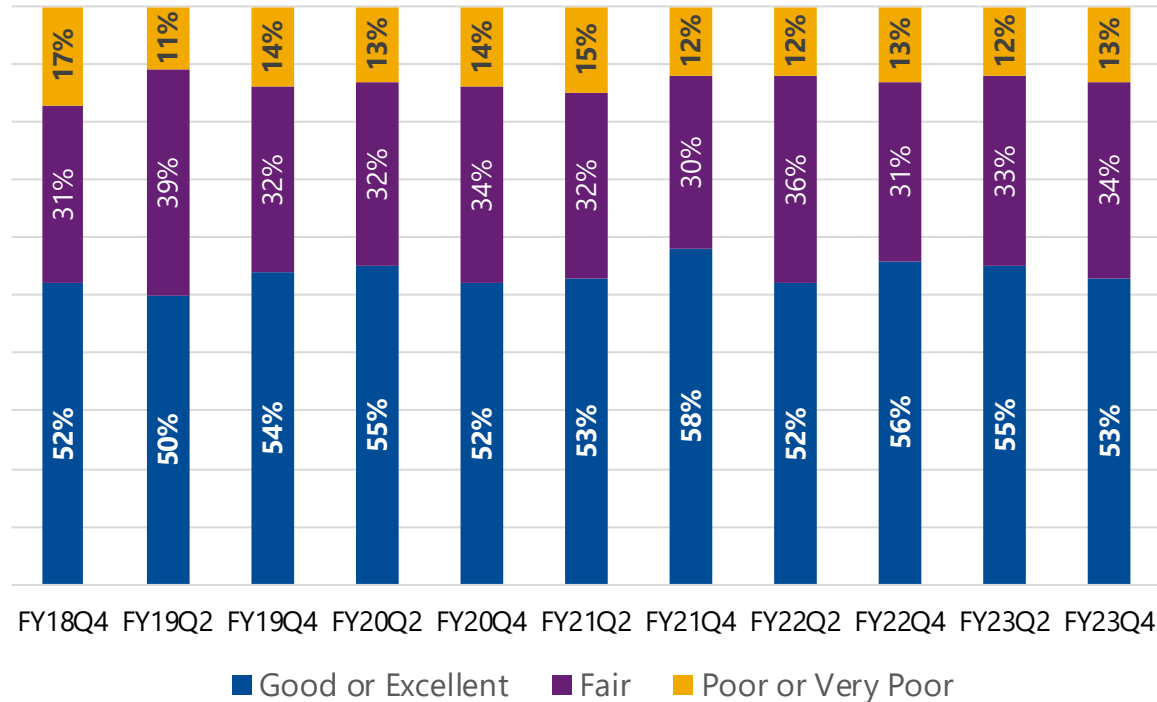
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Internal factors – key drivers

Odds ratio of factors against perception of internal quality environment

Training opportunities and effectiveness of training related to professional development were found to have the highest odds ratio against Overall Internal Factors that impact ability to provide high-quality examination. That is, if a respondent was satisfied with opportunities for or effectiveness of professional development training, the respondent is roughly four times more likely to rate the overall internal factors as good/excellent.

Factor	Odds ratio
Training opportunities: professional development	4.0
Training effectiveness: professional development	3.8
Coaching/mentoring: technical	3.0
Coaching/mentoring: practice & procedure	2.8
Training opportunities: technical training	2.8

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External factors – (overall) historic

During the past quarter, overall, how would you rate the various external factors (patent applicants/agents/attorneys and their interactions) that impact your ability to provide high-quality patent examination?
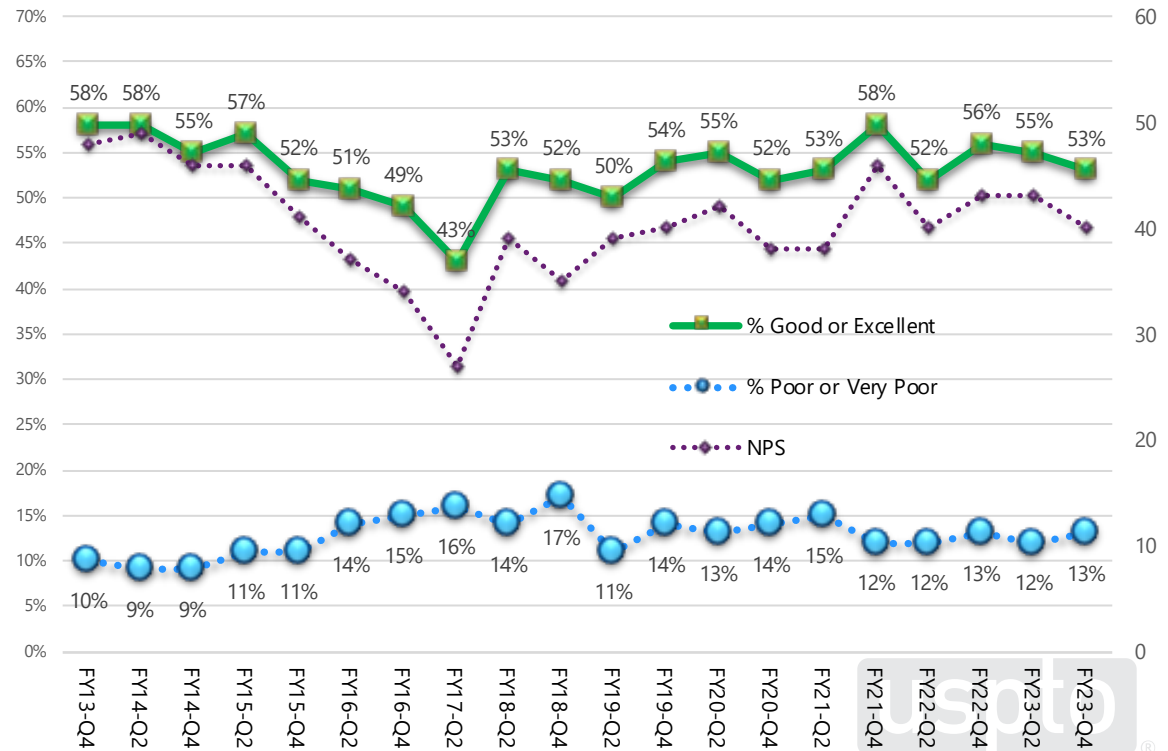

Source: USPTO semi-annual Internal Quality Survey

Legend: Good or Excellent, Fair, Poor or Very Poor

Quarter	Good or Excellent	Fair	Poor or Very Poor
FY18Q4	52%	31%	17%
FY19Q2	50%	39%	11%
FY19Q4	54%	32%	14%
FY20Q2	55%	32%	13%
FY20Q4	52%	34%	14%
FY21Q2	53%	32%	15%
FY21Q4	58%	30%	12%
FY22Q2	52%	36%	12%
FY22Q4	56%	31%	13%
FY23Q2	55%	33%	12%
FY23Q4	53%	34%	13%

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External factors – (overall) NPS

During the past quarter, overall, how would rate the various external factors (patent applicants/agents/attorneys and their interactions) that impact your ability to provide high-quality
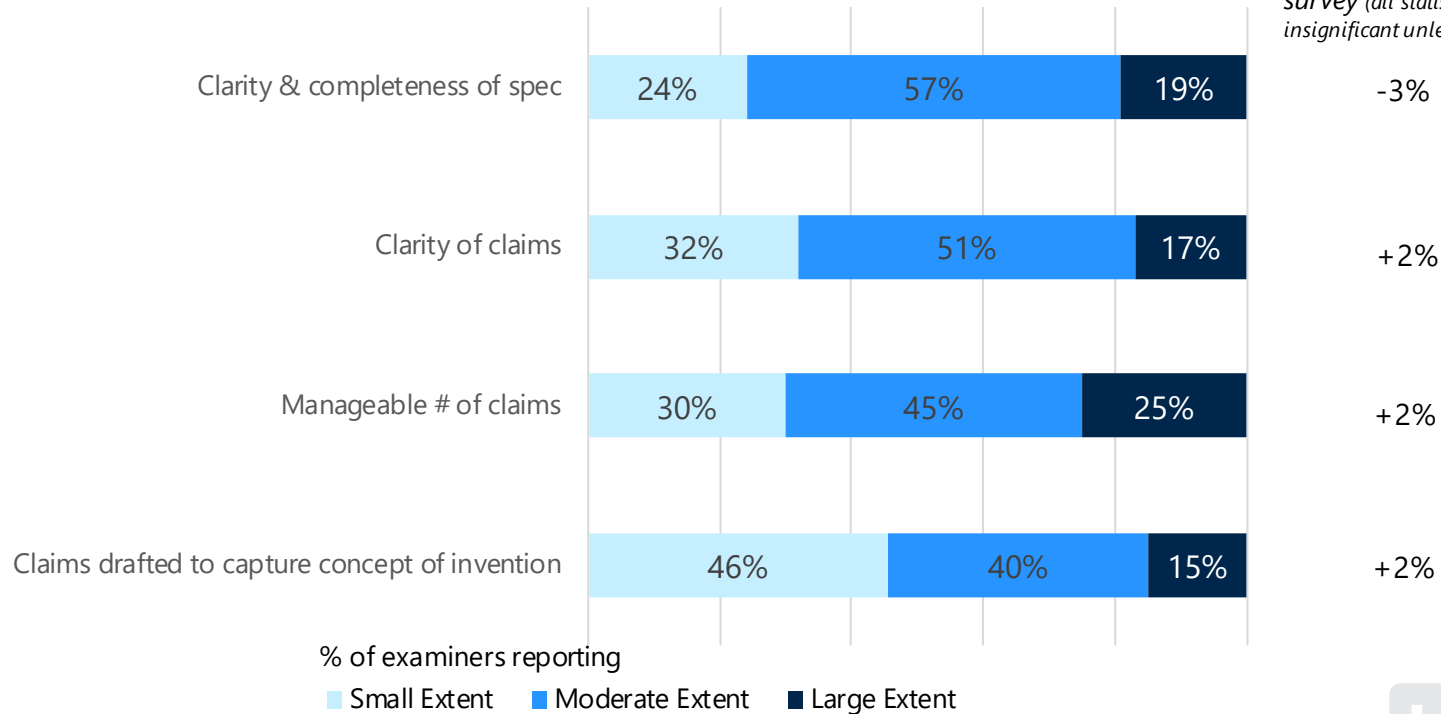
q^ee NPS				
	Good or Excellent	Poor or Very Poor	Ratio	Net Promoter Score
FY13-Q4	58%	10%	5.80	48
FY14-Q2	58%	9%	6.44	49
FY14-Q4	55%	9%	6.11	46
FY15-Q2	57%	11%	5.18	46
FY15-Q4	52%	11%	4.73	41
FY16-Q2	51%	14%	3.64	37
FY16-Q4	49%	15%	3.27	34
FY17-Q2	43%	16%	2.69	27
FY18-Q2	53%	14%	3.79	39
FY18-Q4	52%	17%	3.06	35
FY19-Q2	50%	11%	4.55	39
FY19-Q4	54%	14%	3.86	40
FY20-Q2	55%	13%	4.23	42
FY20-Q4	52%	14%	3.71	38
FY21-Q2	53%	15%	3.53	38
FY21-Q4	58%	12%	4.83	46
FY22-Q2	52%	12%	4.33	40
FY22-Q4	56%	13%	4.31	43
FY23-Q2	55%	12%	4.58	43
FY23-Q4	53%	13%	4.08	40

External factors – FY23Q4

Applicants facilitate high quality by:

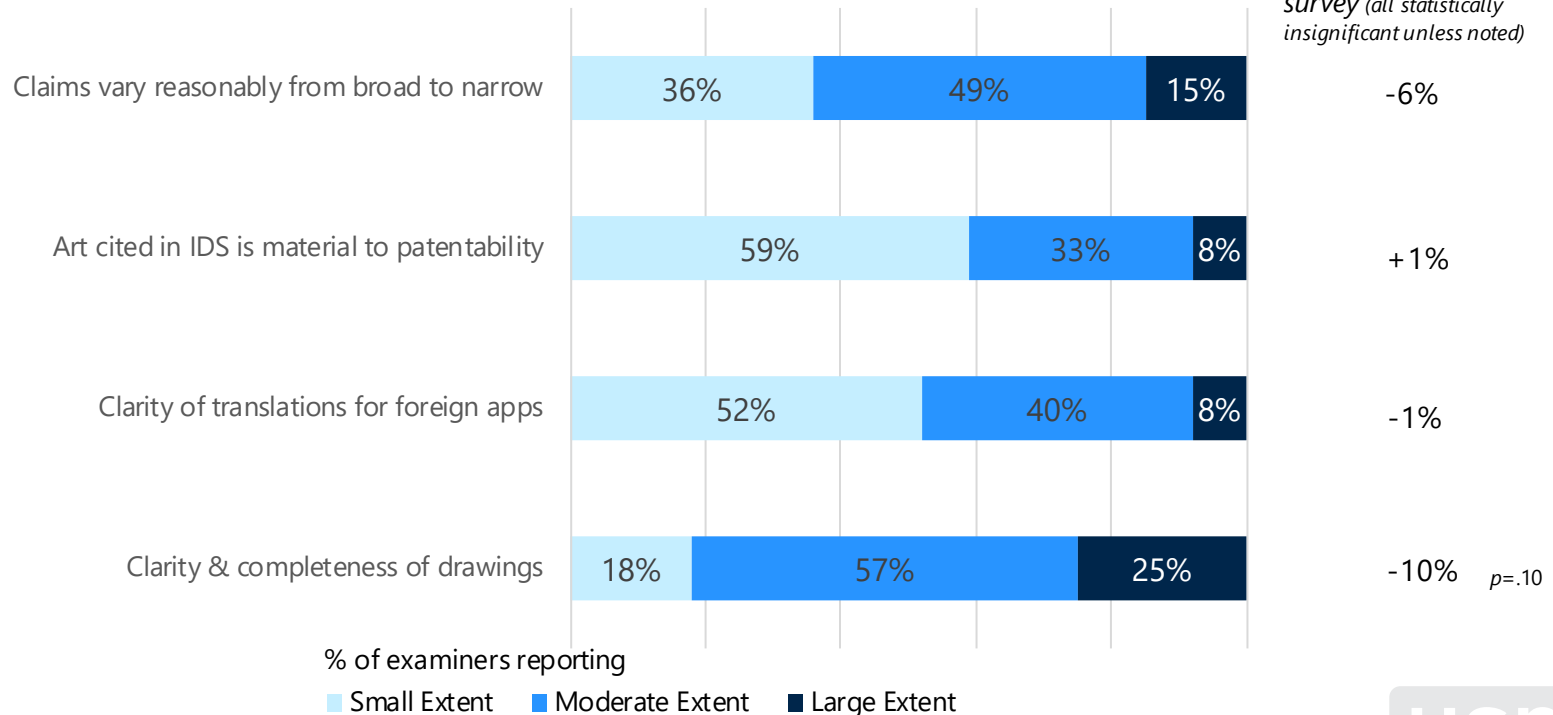Change in % large extent from prior survey *(all statistically insignificant unless noted)*

Factor	Small Extent	Moderate Extent	Large Extent	Change
Clarity & completeness of spec	24%	57%	19%	-3%
Clarity of claims	32%	51%	17%	+2%
Manageable # of claims	30%	45%	25%	+2%
Claims drafted to capture concept of invention	46%	40%	15%	+2%

% of examiners reporting
■ Small Extent ■ Moderate Extent ■ Large Extent

Source: USPTO FY23Q4 Internal Quality Survey

External factors – FY23Q4

Applicants facilitate high quality by:

Factor	Small Extent	Moderate Extent	Large Extent	Change
Claims vary reasonably from broad to narrow	36%	49%	15%	-6%
Art cited in IDS is material to patentability	59%	33%	8%	+1%
Clarity of translations for foreign apps	52%	40%	8%	-1%
Clarity & completeness of drawings	18%	57%	25%	-10% $p=.10$

% of examiners reporting
- Small Extent
- Moderate Extent
- Large Extent

Source: USPTO FY23Q4 Internal Quality Survey

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External factors – FY23Q4

Applicants facilitate high quality by:

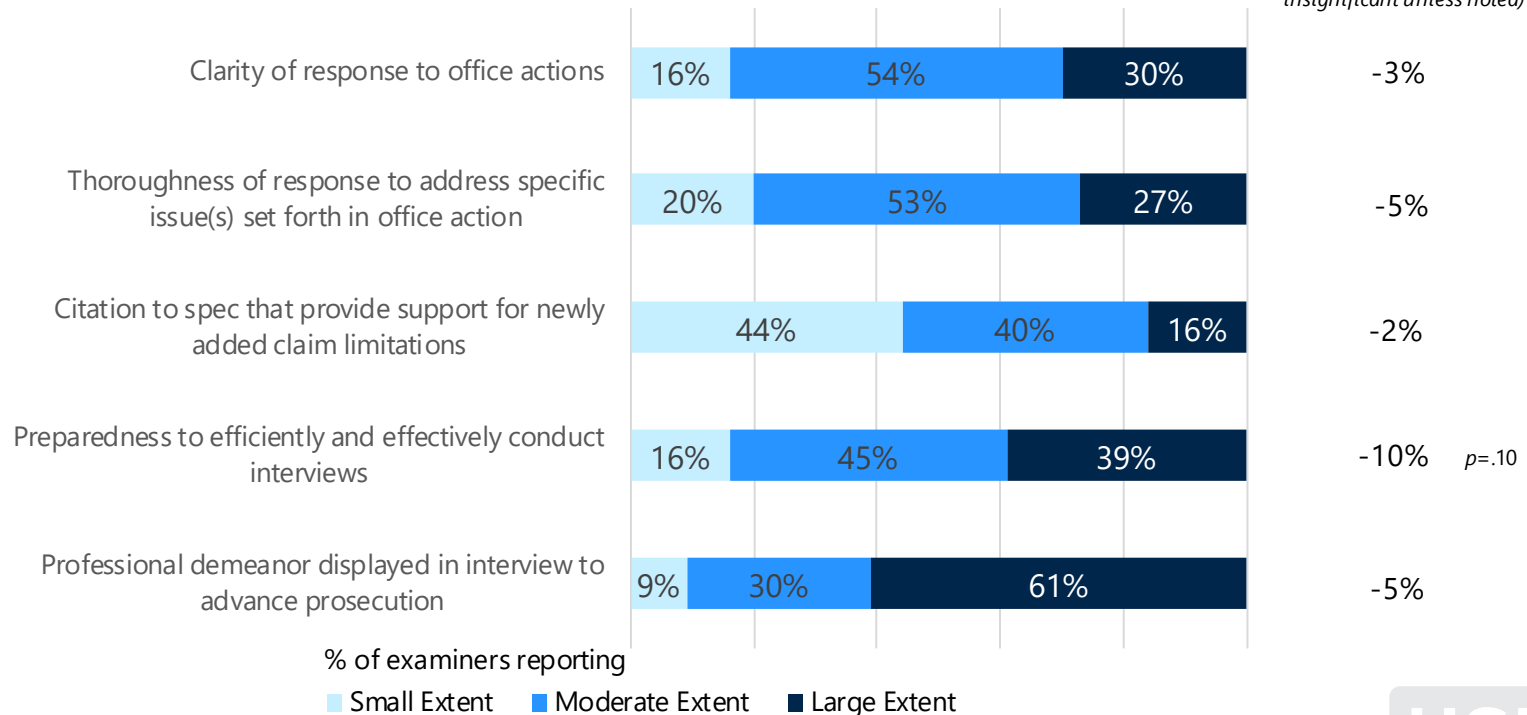*Change in % large extent from prior survey* (all statistically insignificant unless noted)

Factor	Small Extent	Moderate Extent	Large Extent	Change
Clarity of response to office actions	16%	54%	30%	-3%
Thoroughness of response to address specific issue(s) set forth in office action	20%	53%	27%	-5%
Citation to spec that provide support for newly added claim limitations	44%	40%	16%	-2%
Preparedness to efficiently and effectively conduct interviews	16%	45%	39%	-10% *p*=.10
Professional demeanor displayed in interview to advance prosecution	9%	30%	61%	-5%

% of examiners reporting

■ Small Extent   ■ Moderate Extent   ■ Large Extent

Source: USPTO FY23Q4 Internal Quality Survey
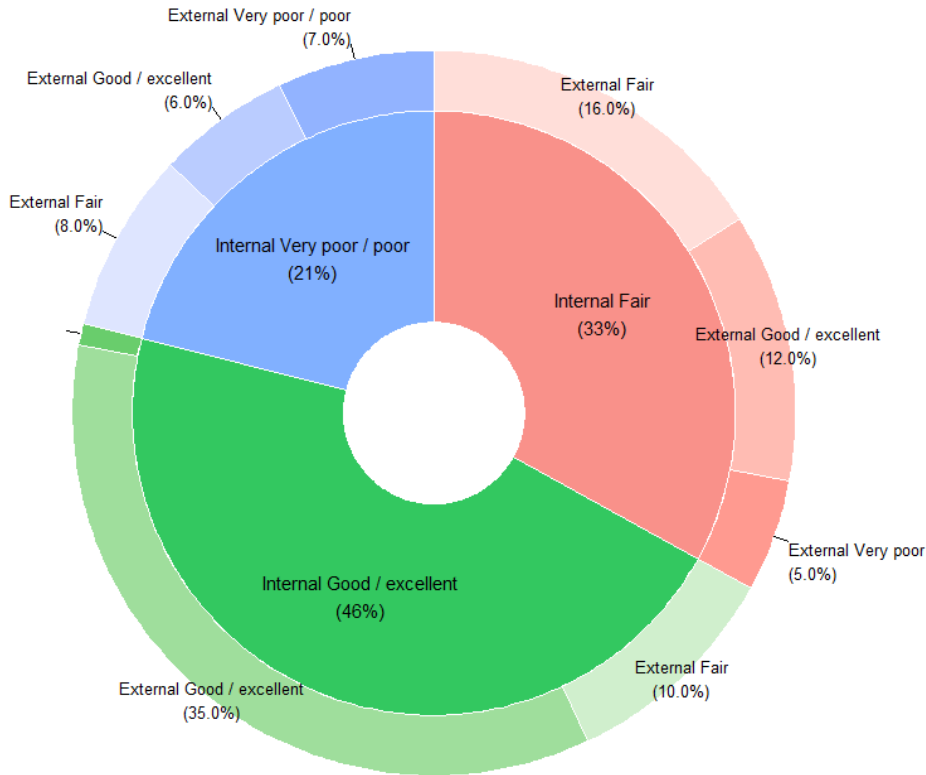
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External factors – key drivers

Odds ratio of factors against perception of external quality environment

Clarity of translations for foreign applications was found to have the highest odds ratio against overall external factors that impact ability to provide high-quality examination. That is, if a respondent was satisfied with the clarity of translations, the respondent is roughly six to seven times more likely to rate the overall external factors as good/excellent. Interview-related factors are also strong drivers of perceptions.

Factor	Odds ratio
Clarity of translations for foreign applications	6.6
Professional demeanor displayed in interview to advance prosecution	5.3
Preparedness to efficiently and effectively conduct an interview	5.3
Citation to the spec to support new claim limitations	5.2
Claims vary reasonably in scope from broad to narrow	5.2

Relationship of internal USPTO factors and external factors
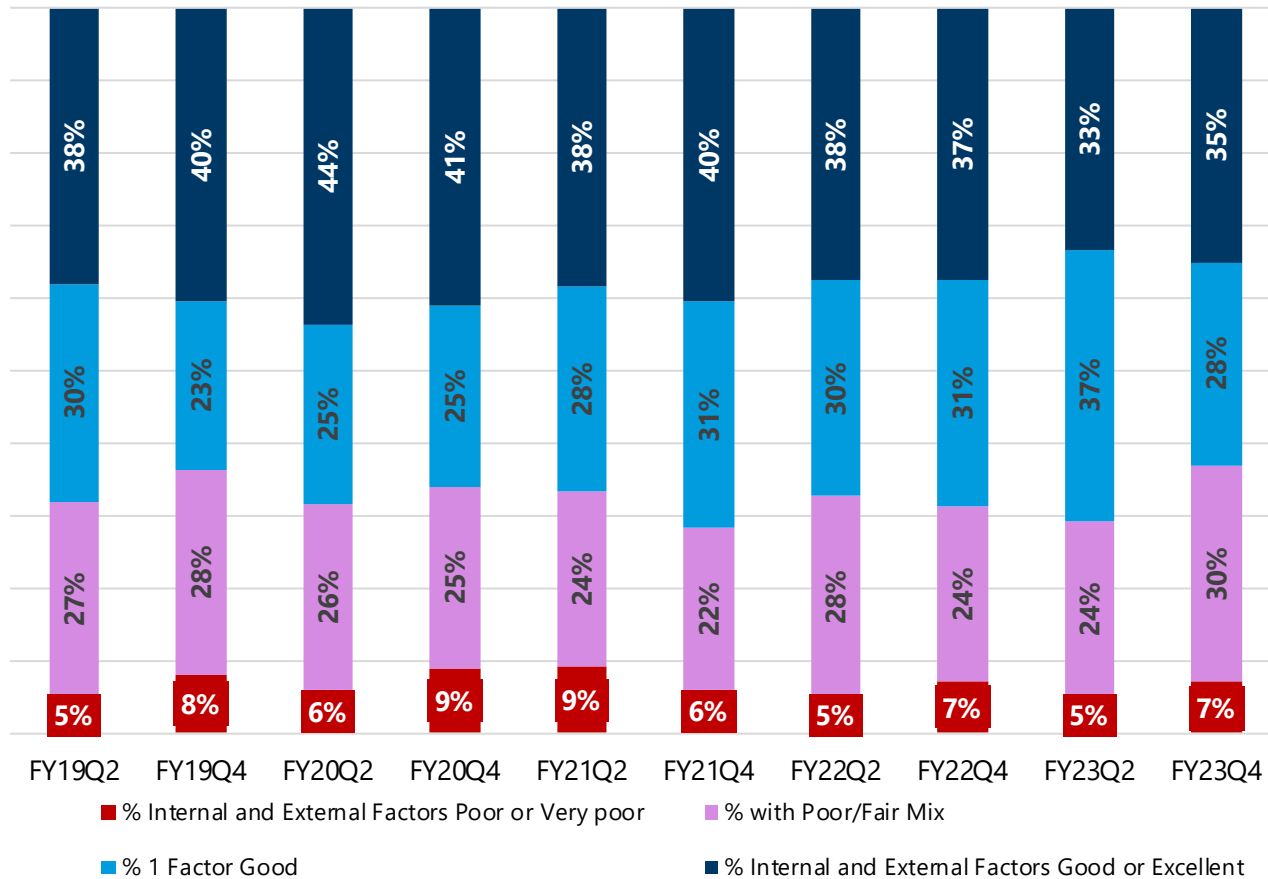

35% of respondents indicated both internal and external quality-related factors are "good or excellent"

7% of respondents indicated both internal and external quality-related factors are "poor or very poor"

Examiners' quality environment

	FY19Q2	FY19Q4	FY20Q2	FY20Q4	FY21Q2	FY21Q4	FY22Q2	FY22Q4	FY23Q2	FY23Q4
% Internal and External Factors Good or Excellent	38%	40%	44%	41%	38%	40%	38%	37%	33%	35%
% 1 Factor Good	30%	23%	25%	25%	28%	31%	30%	31%	37%	28%
% with Poor/Fair Mix	27%	28%	26%	25%	24%	22%	28%	24%	24%	30%
% Internal and External Factors Poor or Very poor	5%	8%	6%	9%	9%	6%	5%	7%	5%	7%

■ % Internal and External Factors Poor or Very poor   ■ % with Poor/Fair Mix

■ % 1 Factor Good   ■ % Internal and External Factors Good or Excellent

What, if any, other quality issues or concerns would you like to bring to our attention?

- **Systems and tools**

  Many IT and network issues were reported. Outages caused extended periods of downtime where Search, DAV, CAT and OC were not functional or very slow, resulting in extensive time spent trying to reconnect, breaks in focus, decreases in efficiency, and unfair requests to use flex time or do "other work." Classification and routing of new cases remains an issue. Misclassifications result in a docket crowded with improperly classified cases, expenses in time, and delays in first actions on misclassified cases and cases that should be on the docket. Respondents are eager for updates on plans to use AI to streamline the classification and examination processes, and are hopeful it will improve overall quality and productivity.

- **Time / volume of work**

  With newly added quality requirements, examiners do not have enough time to evaluate inventions of greater complexity and search the expanding body of prior art. Time allotted for first actions should be based on the length of claims. Amendments need more time. Applicants can cancel all of their claims after a non-final OA and submit new claims in an amendment, but examiners are expected to conduct a new search and draft a new rejection from scratch with just a few hours. Applicants often submit more than 20 pages of arguments, and examiners have limited time to evaluate and respond to arguments, plus update search and rejections. Respondents said the time vs. quality issue is stressful and affects morale and burnout.

What, if any, other quality issues or concerns would you like to bring to our attention?

- **Examiner training and support**

  Examiners need more support. Having a team or at least one person, other than a supervisor, to help when unsure about a decision would make a big difference in morale. Because supervisors do not always have specialized knowledge, examiners would like to have a subject matter expert available when needed. Examiners want practice and procedure trainings developed faster for emerging issues since they often need answers fast and cannot wait for official training. Allow examiners to share with training developers the new issues and unfamiliar topics that need to be addressed.

- **Production vs quality**

  Respondents said the Office's production system is "outdated" and "unnecessary." They feel that quality will never be as good as it should be due to the production based requirement system. Staff at the management and supervisor levels are more concerned about production than quality, which results in high turnover rates of new hires and good examiners quitting. They also said the classification process is not up to par, whether it be by contractors, AI or examiners.

- **Quality of applications**

  Applicants draft excessively broad claims, burying examiners in large IDS submissions of vaguely relevant art, and fight rule 1.105 requests. They write initial claims that are so broad they obscure the purported invention, and then amend heavily in response to the first actions. It appears they want to force an allowance or a poor final action. An initial action, with reviewer oversight, that requires applicants to amend without the Office laying out a limitation-by-limitation rejection of every claim would help.