



# Business methods quality initiatives

September 10, 2024

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UNITED STATES  
PATENT AND TRADEMARK OFFICE ®

# Business methods website

The screenshot shows the USPTO website's Business Methods page. At the top, the USPTO logo and "UNITED STATES PATENT AND TRADEMARK OFFICE" are visible, along with navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". A search bar is present with the text "Search uspto.gov". Below the navigation bar, there are tabs for "Patents", "Trademarks", "IP Policy", and "Learning and Resources", with a "Find It Fast" button. The breadcrumb trail reads "Home > Patents > Basics > Patent essentials > Business Methods".

The main content area features a "Business Methods" section header. To the left, there is a sidebar with "Patent essentials" and "Business Methods" highlighted. Below this, there are links for "Upcoming Business Methods Events", "Past and future Business Methods events", and "Join an interactive discussion of Business Methods" dated "Sep 10, 2024", with a link to "See the full events calendar".

The central content area includes a row of five images: a doctor, a person with a laptop and "HIGH GAIN" text, a person with a tablet, a person with a bar chart, and a person holding a globe. Below the images, there is a section titled "Select from the following for more information on this page" with links for "Subject matter descriptions", "Highlights", "Prior partnership meetings", "Statistics", "Guidance and training materials", "Outreach opportunities and presentations", "Examiner decision making process", and "Contact us".

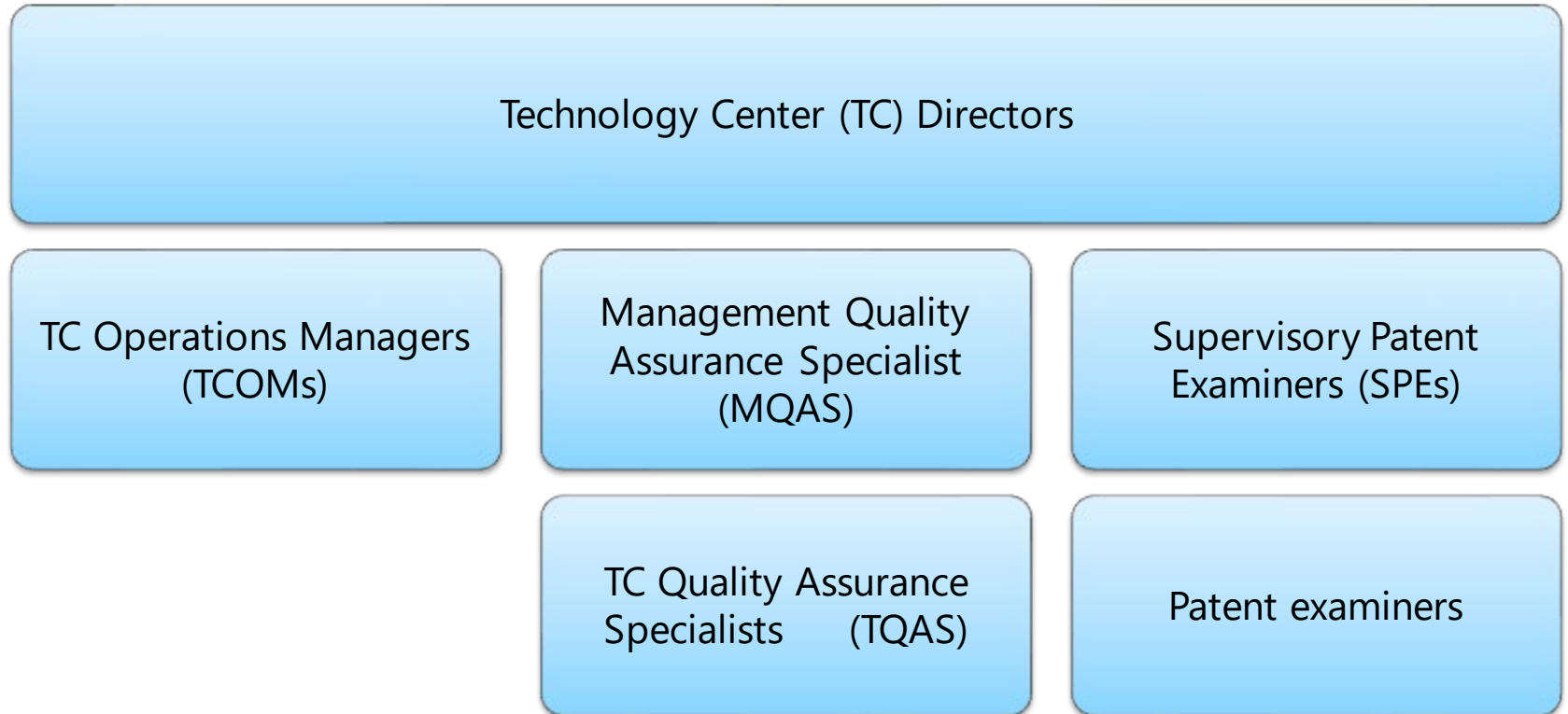
At the bottom, a paragraph explains that the Business Methods area of the USPTO is a collection of subject matter areas in Technology Center 3600 that grants patents related to Data Processing; Financial, Business Practice, Management, or Cost/Pricing Determination. It defines a Business Method patent as a utility patent that protects a method of doing business and lists various subject matter areas examined by the 3620, 3680, and 3690 workgroups.



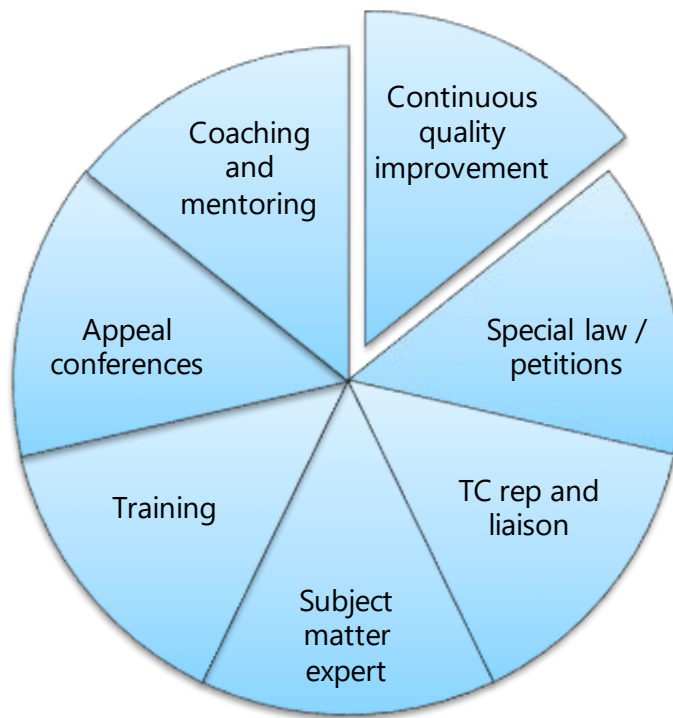
# Business methods workgroups

- 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 organizational chart



# Business methods quality assurance specialist tasks



# Quality initiatives: 35 U.S.C. 112 consistency and clarity

- Improve consistency in decision making
  - Deliver trainings across the workgroup
  - 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 regarding patent subject matter eligibility, 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 or claims is 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 search skills to increase confidence
- 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 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
  - In a variety of small group settings
    - Experienced staff share reminders, tips, and best practices
      - Sample topics include double patenting, restriction, petitions overview, and 35 U.S.C. 103
    - Partner with USPTO business units to enhance learning
      - Panel discussions with Patent Trial and Appeal Board (PTAB) judges
      - Discussion with review quality assurance specialists (RQAS) from the Office of Patent Quality Assurance (OPQA)
    - Provides an opportunity for examiners to ask questions, hear and share best practices, and promote a culture of high quality and compact prosecution

# Quality and pendency initiative: Oldest pending applications

- 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 backlog of cases pending for more than 5 years
  - This initiative resulted in a proactive approach that improved pendency and customer satisfaction
  - Examiners received the assistance, when necessary, to advance prosecution

# 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

# Site experience education (SEE)

- The SEE program is designed to provide patent examiners with an opportunity to visit organizations and learn about 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:
  - [Site Experience Education Program | USPTO](#)



# Quality initiatives: Assistance and resources

- Primary Examiner / Assistant Examiner
- Supervisory Patent Examiner (SPE)
- Director
- Quality Assurance Specialist (QAS)
- Interview specialist
  - Email: [ExaminerInterviewPractice@uspto.gov](mailto:ExaminerInterviewPractice@uspto.gov)
- Inventors Assistance Center (IAC)
  - Phone: 571-272-1000 or 1-800-786-9199 (toll free)



# Quality initiatives: Assistance and resources, cont.

- Patents Ombuds Program
  - [Patents Ombuds Office | USPTO](#)
  - Phone: 571-272-5555 or 1-855-559-8589 (toll free)
- Office of Patent Legal Administration (OPLA)
  - [Office of Patent Legal Administration | USPTO](#)
  - Phone:
    - 571-272-7701 - General policy and procedures inquiries
    - 571-272-7702 - Patent Term Adjustment inquiries
    - 571-272-7703 - Reexamination and reissue inquiries
    - 571-272-7704 - Special Issues inquiries
- Office of Petitions help desk
  - [Office of Petitions | USPTO](#)
  - Phone Number: 571-272-3282





# Questions?

Please enter your question in  
the chat box.



# Thank you!

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