

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Patent Public Advisory Committee Quarterly Meeting

## Updates to examination time, application routing, and examiner performance appraisal

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# Updates to the operational processes that support patent examination

- Patent prosecution has substantially changed over the past several decades.
  - New and converging technologies of increasing technological complexity
  - Growth of available prior art
  - Increased use of electronic tools
  - Changes in the legal landscape
  - Transition from the United States Patent Classification (USPC) system to the Cooperative Patent Classification (CPC) system

# **Updates to the operational processes that support patent examination**

- **Process for assigning applications to examiners (routing)**
- **Method used to allot time for examination of patent applications**
- **Evaluation of examiner performance of examining during via the performance appraisal plan (PAP)**

# Why are these changes important?

The updates to examination time, application routing, and the PAP collectively:

- Optimize pendency and examination timeframes
- Align production capacity with incoming workload
- Ensure highest level of quality for all work products
- Reflect changes in patent prosecution
- Address internal and external stakeholder experiences, priorities, and expectations related to examination time, quality, and application complexity

# Background - Classification

- **USPTO uses classification to:**
  - Identify and group the technology captured in an incoming application
  - Match the technology in an application to a patent examiner
  - Assign examination time to an application

# Background - Classification

- In October of 2010, USPTO and EPO agreed to jointly implement CPC
- Significant step towards international harmonization
- CPC is a more flexible and up-to-date classification system

# Updates to the assignment of applications (1 of 2)

## Key goals for the assignment of applications:

- **Finalize the transition to CPC by eliminating USPC dependencies on operational processes**
  - Decrease examiners' burden of understanding and operating within two classification systems
  - Ultimately eliminate the Office's administrative and cost burden of using two classification systems
- **Maximize the retention of expertise and institutional knowledge of examiners**

# Updates to the assignment of applications (2 of 2)

- Utilizing CPC:
  - Applications will be routed to examiners based on an examiner's work history (portfolio)
  - The classification picture on incoming applications will be compared to all examiners' portfolios to find the best examiner to examine the application

# Updates to assignment of time on applications

- Examination time still relies on the classification picture
- **Additional time added to examination time:**
  - Raise the minimum time for examination by nearly 5 hours
  - Add time to individual applications that are more difficult to examine or need more time (e.g., high number of claims, pages of specification, pages of IDS, etc.)

# Updates to the assessment of performance (1 of 2)

The PAP provides:

- **Clear roadmap of expectations and best practices to examiners**
  - Foster the outstanding work that the vast majority of examiners already do
  - Valuable tool to assist in performance improvement
- **Certainty and reliability of IP rights in a timely manner to the IP community**

# Updates to the assessment of performance (2 of 2)

## Greater emphasis on:

- Search, Compact prosecution and Clarity
- Placing the best art of record in the case at the earliest possible time in prosecution
- Stakeholder interactions

# Implementation

- Start transition in FY 2020
- Work with union on details of implementation
- Train managers and examiners
- Ensure IT is ready to support transition

# Questions and comments

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