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TC 2400 Cybersecurity Partnership Meeting

USPTO Application Routing Updates and Application Initiatives

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April 7, 2021

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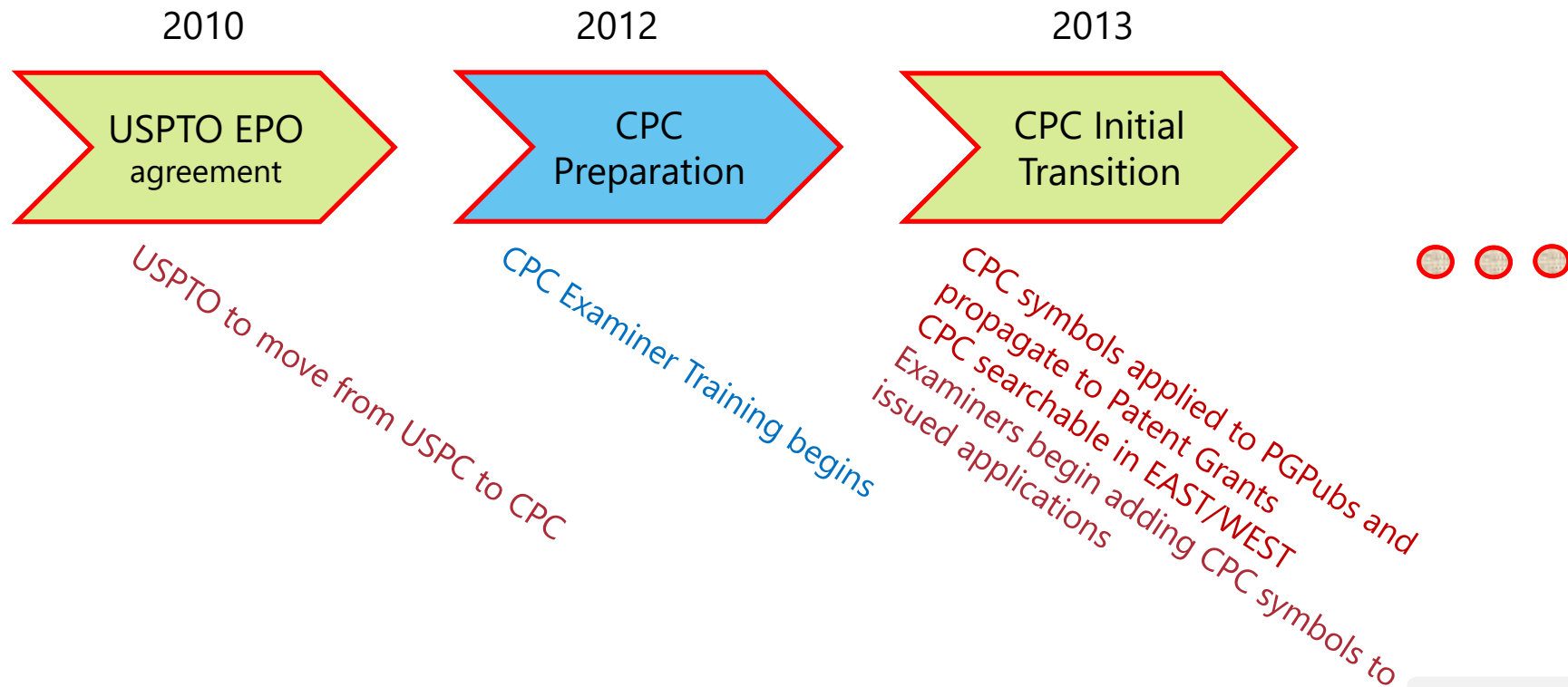
Background of routing applications to examiners

- **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

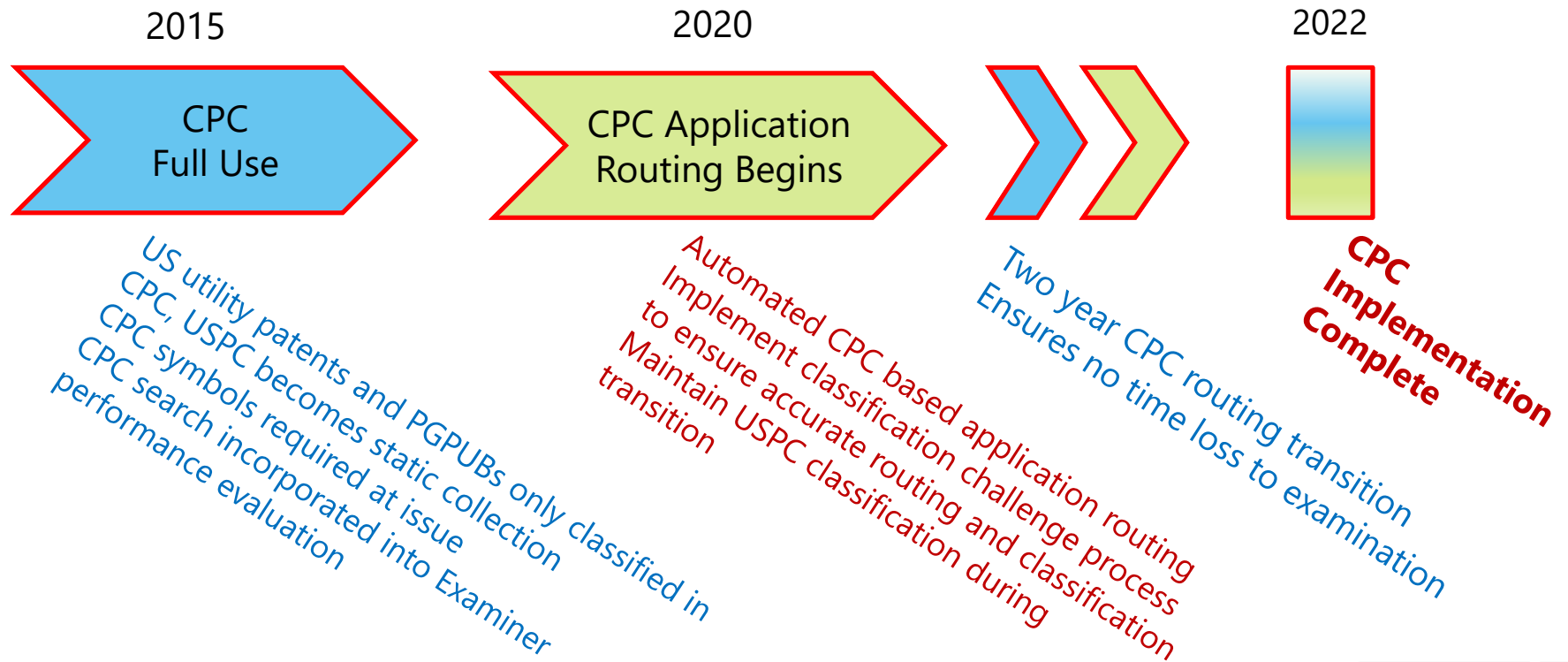
Cooperative Patent Classification

- 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

CPC Implementation Highlights



CPC Implementation Highlights



Application Routing Updates

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Updates to the routing of applications (1 of 2)

Key goals:

- 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 routing 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

Examiner portfolio

- Representation of an examiner's work experience
- Tally of the CPC symbols found on applications in which that examiner has completed at least one action
 - Actions include:
 - Final and non-final rejections
 - Allowances
 - Ex Parte Quayle actions,
 - First Action Interview Pilot Steps 1 and 2
 - Examiner's answers

Example of examiner portfolio

- An examiner does a non-final rejection on a patent application with CPC symbols A01B1/01, A47C35/15, and F16H55/05.
- The examiner also issues an allowance on a different patent application with CPC symbols A47C35/15, F16H55/05, and B35J21/07.

Examiner Portfolio	
CPC SYMBOL	CPC TALLY
F16H55/05	2
A47C35/15	2
A01B1/01	1
B35J21/07	1

Example of qualification assessment

CPC Symbols on an application	Examiner A tally	Examiner B tally	Examiner C tally	Examiner D tally
C12N15/1137	45	20	32	15
C12Y115/01001	32	10	10	10
C12N2310/14	21	15	9	4
C12N2750/14143	9	15	4	4
C12N15/1159	7	2	2	0

Match examiners to an application

- Size of each examiner's new application docket.
- Examiner's symbol percent qualification.
- Number of other applications in the unassigned backlog for which an examiner has symbol qualification.
- Similarity between an examiner's portfolio and the classification picture on the application.

Patent Application Initiatives

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Pendency related initiatives

- Track One
- Patent Prosecution Highway (PPH)
- Quick Path Information Disclosure Statement (QPIDS)
- After Final Consideration Pilot 2.0 (AFCP 2.0)

International patent cooperation initiatives

- Collaborative Search Pilot Program (CSP)
- Relevant Prior Art Initiative (RPA)

TRACKOne

Prioritized Examination

- Prioritized examination of up to 12,000 requests per fiscal year
 - Gives application special status with fewer requirements than the current accelerated examination program and without having to perform a pre-examination search.
 - GOAL → Provide final disposition of application within about twelve (12) months from the date that the petition was granted.
 - A single request for prioritized examination may be granted upon filing a request for continued examination RCE in a plant or utility application.



For more information: <https://www.uspto.gov/patent/initiatives/usptos-prioritized-patent-examination-program>

TRACKOne

Prioritized Examination

- Fiscal year 2021* data → from petition grant to:



Cumulative for fiscal year 2021

Cumulative for fiscal year 2021

Cumulative for fiscal year 2021

First Action

Final Action

Allowance

1.7 Months

6.1 Months

5 Months

*Cumulative FY2021 data as of January 2021

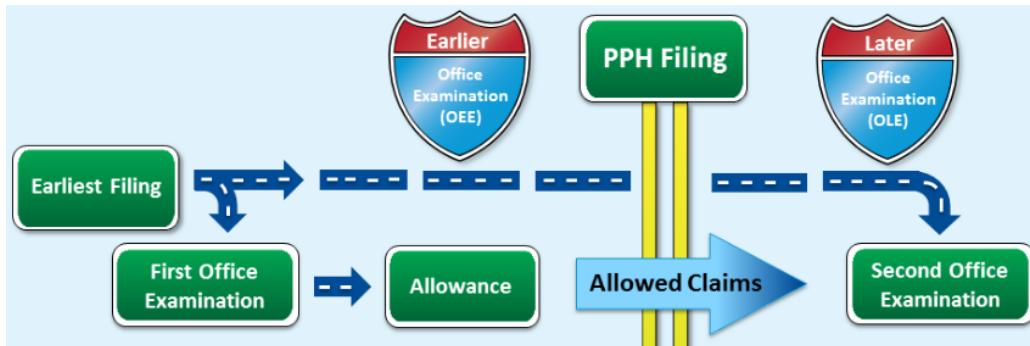


For more information: <https://www.uspto.gov/patent/initiatives/usptos-prioritized-patent-examination-program>



<p>On average</p> <ul style="list-style-type: none"> ▪ Fewer office actions ▪ Higher first action allowance rate ▪ Higher grant rate 	<p>Lower</p> <ul style="list-style-type: none"> ▪ RCE filing rates ▪ Appeal rates ▪ Overall pendency
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- Once applicant has received an allowance of at least one claim at a participating patent office, he or she may request expedited examination of corresponding claim(s) in a corresponding application that is pending at a second patent office.

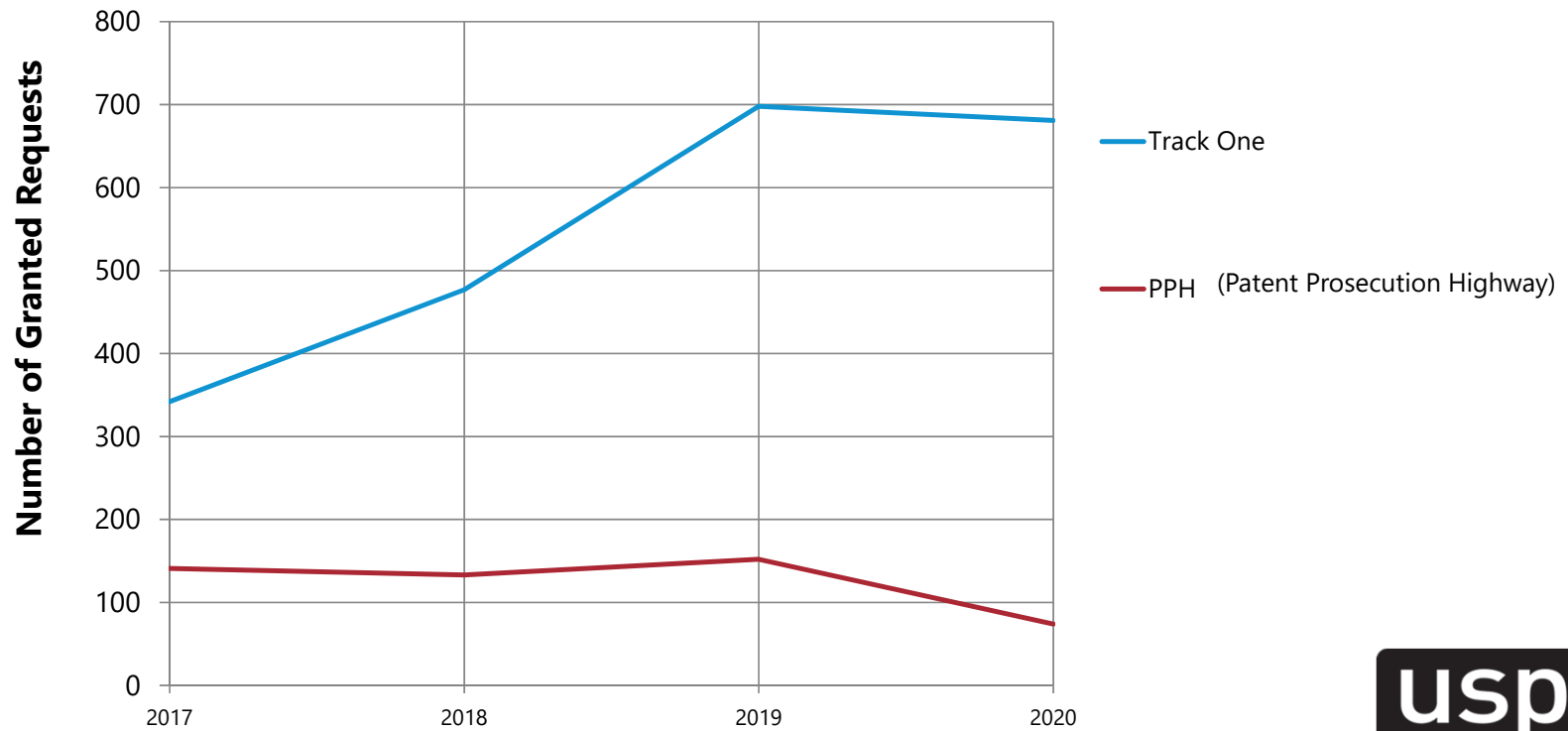


No additional fee!

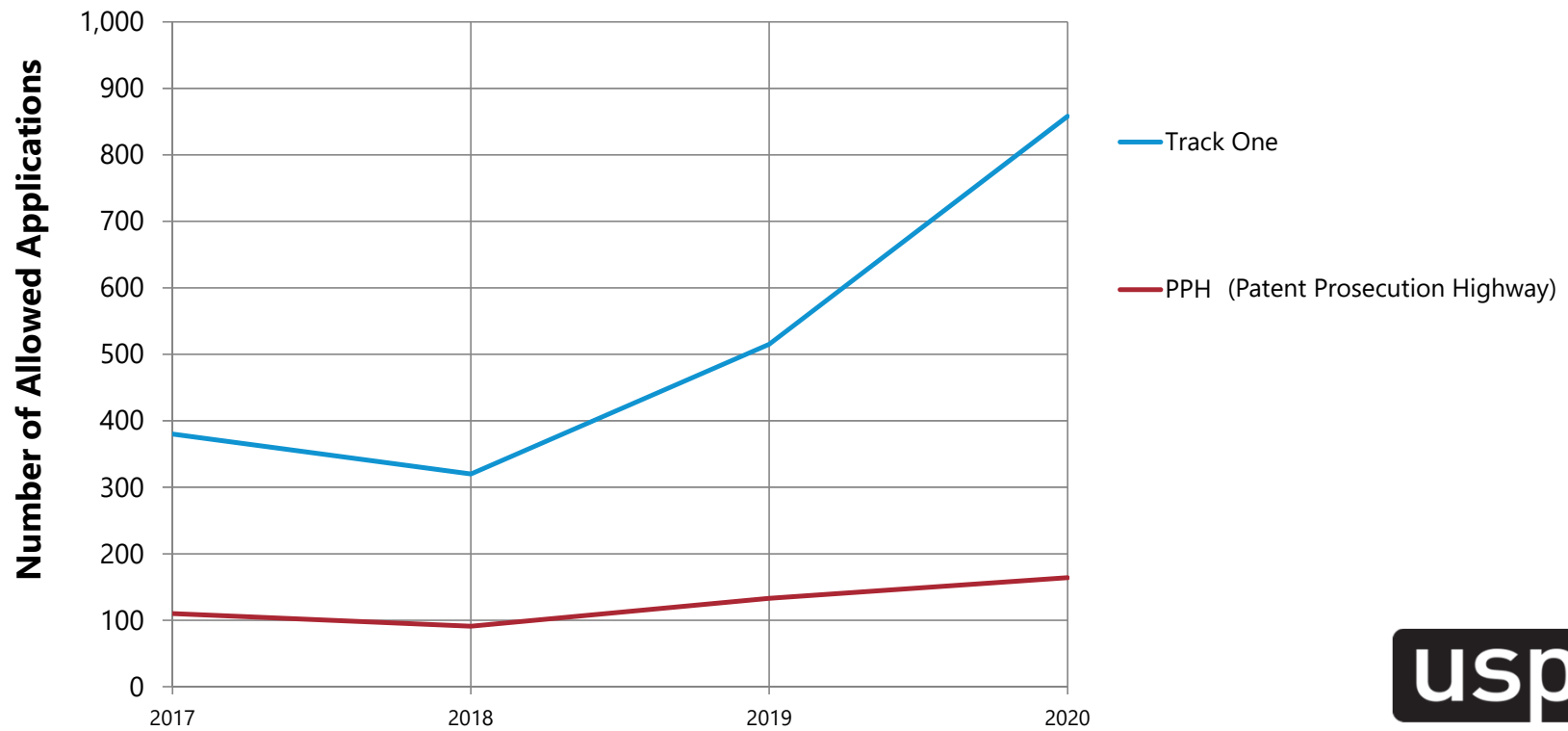
For more information: <https://www.uspto.gov/patents-getting-started/international-protection/patent-prosecution-highway-pph-fast-track>



Patent Application Initiatives: Number of Granted Requests Information Security and Cryptography Applications



Patent Application Initiatives: Number of Allowed Applications Information Security and Cryptography Applications



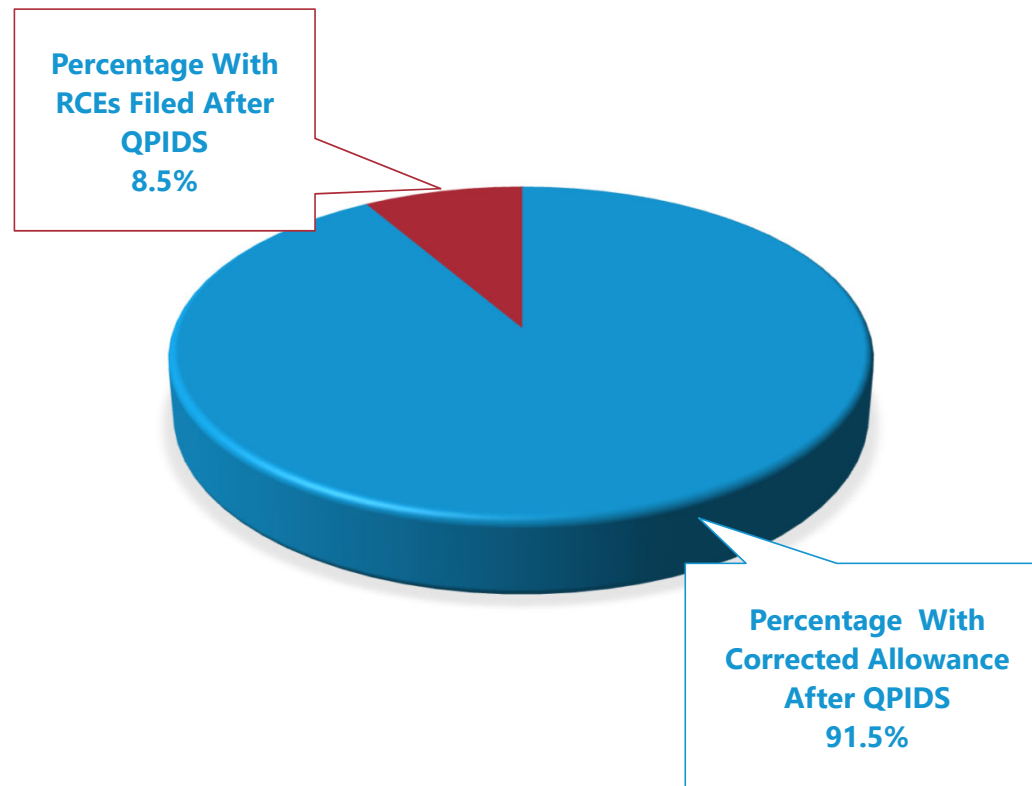
Quick Path IDS (QPIDS)

- Eliminates the requirement for processing of a RCE with an IDS filed after payment of the issue fee in order for the IDS to be considered by the examiner.
- Part of the USPTO's on-going efforts towards compact prosecution and pendency reduction.
- Now PERMANENT.
- Where the examiner determines that no item of information in the IDS necessitates reopening prosecution, the USPTO will issue a corrected notice of allowability (NOA).

*For more information: <https://www.uspto.gov/patent/initiatives/quick-path-information-disclosure-statement-qpids>



Patent Application Initiatives: QPIDS Metrics in FY20-212 total requests
Information Security and Cryptography Applications



After-final Consideration Pilot (AFCP) 2.0

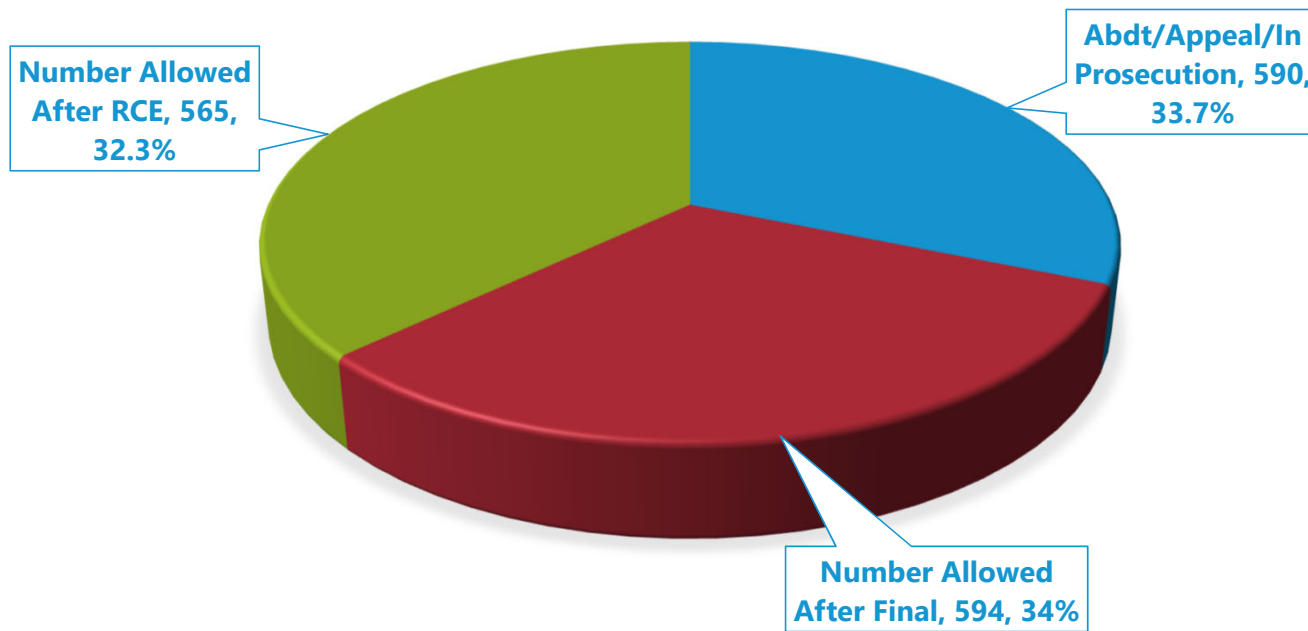
- Specialized after-final response designed to enhance communication between the Office and applicant.
- EXTENDED through September 30, 2021.
- Authorizes additional time for examiners to search and/or consider responses after final rejection.
- If response does not place the application in condition for allowance, examiners will also use the additional time to schedule and conduct an interview to discuss the results of their search and/or consideration.



*For more information: <https://www.uspto.gov/patent/initiatives/after-final-consideration-pilot-20>

Patent Application Initiatives: AFCP 2.0 Metrics

SECURITY APPLICATIONS WITH AFTER FINAL PILOT REQUESTS IN FY20



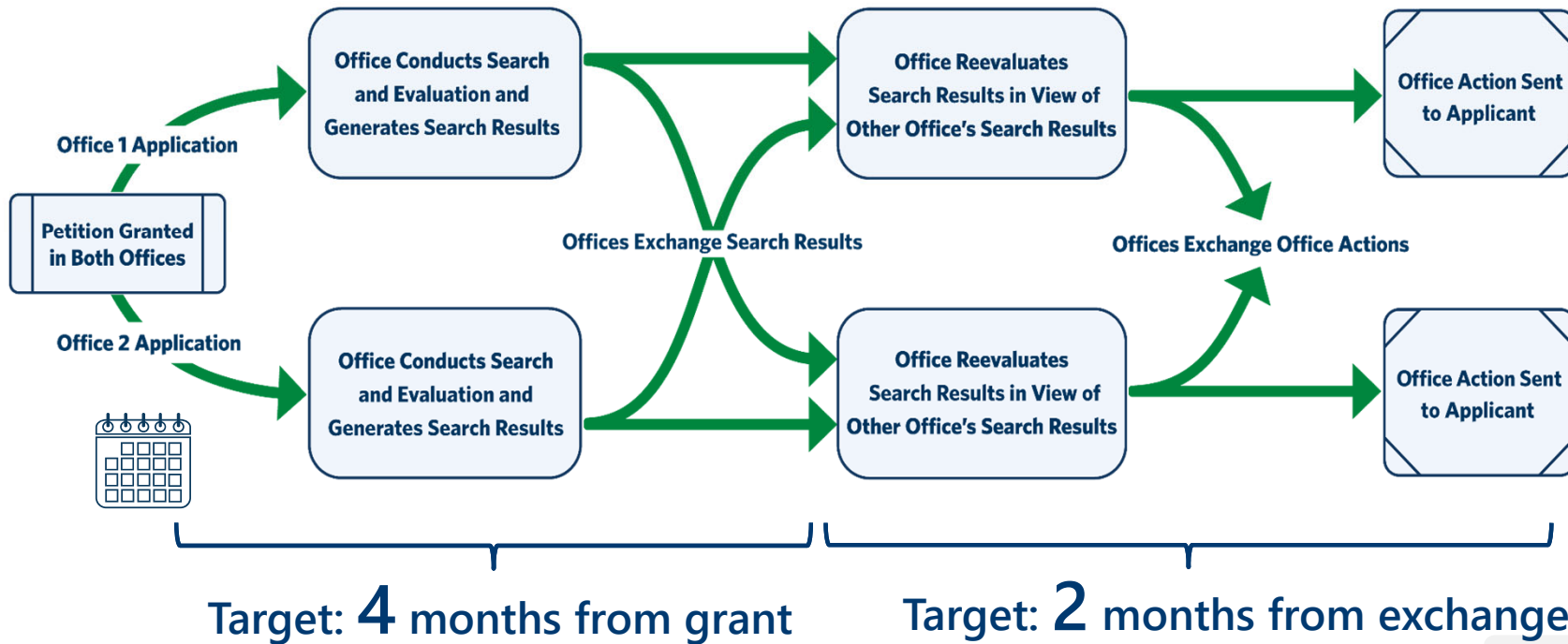
Collaborative search pilot (CSP) objectives

- Concurrent examination of an application in multiple patent offices
- Each office will share search and evaluation data prior to sending response to applicant
- Coordinated examination of common claims in multiple Offices

Collaborative search pilot benefits

- **Increase quality**
 - Multiple examiners searching an invention may increase search quality by sharing results.
- **Reduce pendency**
 - Collaborating with others or providing a better starting point can reduce time devoted to examination.
- **Increase consistency**
 - Examiners using same art often come to similar conclusions.
- **Increase certainty**
 - Applicants can have more confidence in resulting work product.

Expanded CSP process – parallel search



Expanded CSP requirements

- **Application eligibility**
 - National utility applications that **have not started examination** in the offices in which a request is filed are eligible for examination under the expanded CSP program.
 - Applications must share a common earliest priority date and the disclosures must support the claimed subject matter as of a common date. Earliest priority date is March 16, 2013.
- **No-cost petition filed in USPTO; request or petition in partner offices**
 - Applications must have corresponding independent claims.
 - Corresponding claims must be listed on petition form.
 - No more than three independent and 20 total claims permitted
 - No multiple dependent claims in U.S. application

Relevant prior art (RPA) objectives

- Leverage electronic resources to retrieve information (e.g., prior art, search reports, etc.) from relevant sources (e.g., related U.S. applications, counterpart foreign and PCT applications)
- Automatically import information into the file wrapper of a U.S. patent application under examination at the earliest point
 - Potentially reduce the applicant's burden under the duty of disclosure.

RPA research

- **Evaluation of data sources**
 - Global Dossier, Common Citation Document, PatentScope, USPTO Internal IT Systems, etc.
- **Application case studies**
 - 400+ cases reviewed to consider the effects of importing prior art on prosecution and examiners

Access to relevant prior art: Phase one

- Began November 1, 2018.
- Initial implementation is a targeted release and will not be a patent corps-wide release.
 - November 1: Released to Art Unit 2131
 - January 1: Released to Art Units 1616, 1731, 2431, 2675, 2879, 2922, 3635, and 3753
- Subsequent phases of the project will focus on importing from additional sources, such as counterpart foreign and PCT applications.

Access to relevant prior art: Phase one

- **Automatically imports citations from immediate U.S. parent applications into certain pending continuing U.S. applications for consideration by the examiner.**
- **Imported citations will be printed on the face of any patent that issues from the continuing application with a new indicator.**
- **This collection of imported citations is called the Master Reference List (MRL).**

RPA resources

- Notification provided in [Federal Register Notice 2018-23338](#)
- [RPA Initiative Website](#)
- PriorArtAccess@USPTO.gov
- www.uspto.gov/PriorArtAccess

