Piloting in the Patent Office

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Patent Office overview

The Patent Office

• Examines patent applications and grants patents on inventions when applicants are entitled to them
• Is completely fee funded
• In FY 2018,
  – Received over 643,000 patent applications
  – Mailed over 1.2 million “Office actions”
  – Allowed over 368,000 patent applications
  – Had 8,185 patent examiners (at the end of the fiscal year)
Patent Office’s culture of continuous improvement

• Has strategic goals of optimizing patent timeliness and patent quality
• Routinely solicits feedback from internal and external stakeholders
• Gathers and analyzes data on many aspects of the patent examination process
• Uses collected fees as efficiently as possible
Why does the Patent Office use pilots?

• Allows the Office to assess ideas at a small scale to ensure workability before moving to large scale
  – Assess external stakeholder or examiner interest in a proposed change
  – Assess impact of a proposed change
Overview of pilot development process

- Identify issue to be tested from stakeholder feedback or internal analysis
- Work with stats shop in collaboration with the applicable union(s) to design pilot
- Draft pilot document
  - Negotiate MOU with union (internal pilot)
  - Draft Federal Register Notice (external pilot)
- Get legal clearance
- Publicize the pilot
Examples of “external” pilots
Examples of “internal” pilots

• One of the priorities of the Director of the USPTO is enhancing patent search
  – Collaborative Search Pilot
  – Office of Patent Quality Assurance (OPQA) Search Feedback Pilot
Challenges with executing pilots

• **Randomization**
  – Pilots are usually “opt in” due to concerns of unions and external stakeholders

• **Ensuring good case study design**
  – A poorly designed study can cause issues on many fronts

• **Isolating cause-and-effect**
  – Patent examination is very fact specific
  – There are many factors at play

• **Costs**
  – Training staff on new processes and implementing new processes can impose costs in terms of time and money for the Office