

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# External quality survey

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Patent Public Advisory Committee quarterly meeting

UNITED STATES  
PATENT AND TRADEMARK OFFICE



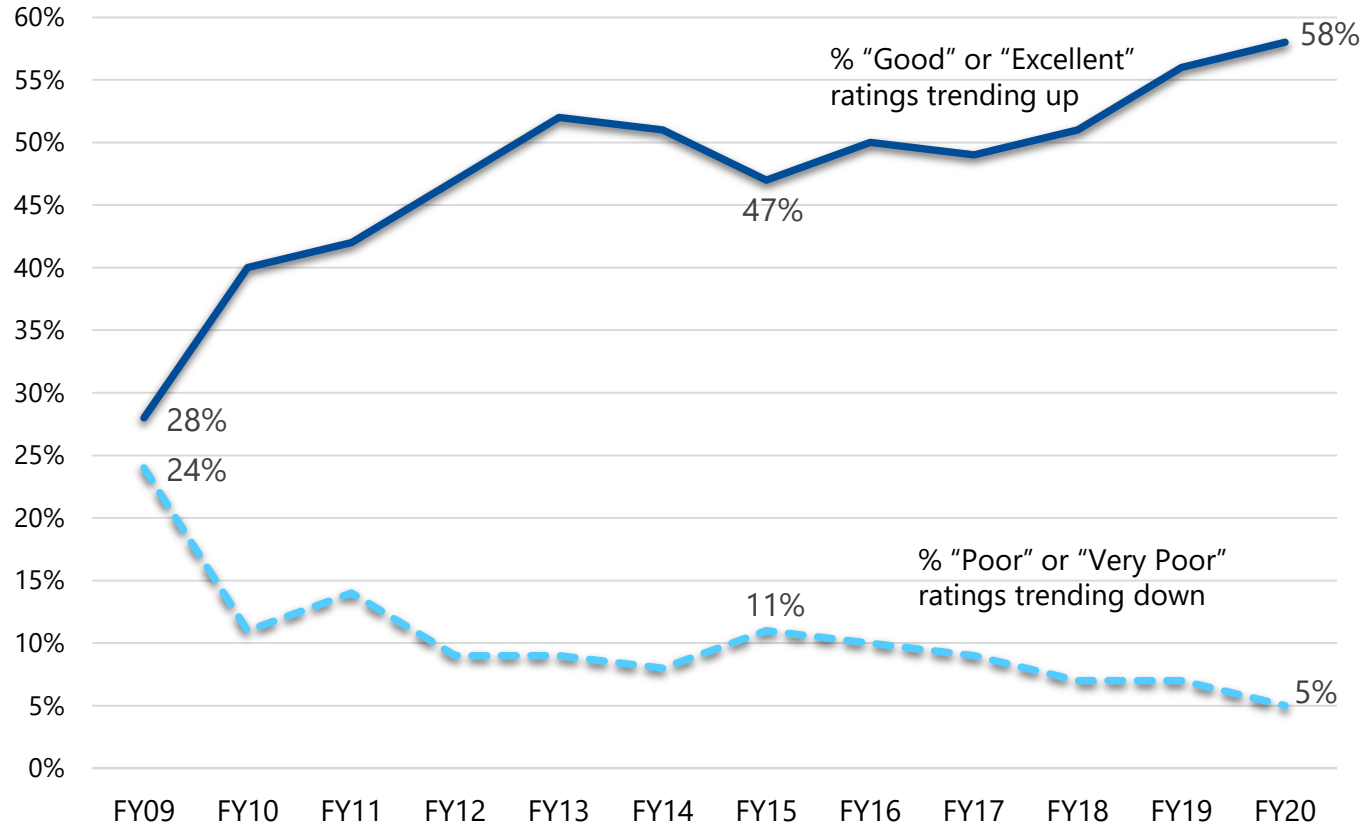
# External quality survey

- Semi-annual survey conducted since 2006
- Survey 3,000 frequent-filers each period
  - A stratified random selection of customers are asked to participate in two successive waves of data collection to mimic a panel design
  - 50% sample rotation in/out each period
- Designed to focus on quality and minimize respondent burden
- Perceptions about office actions received by respondents in previous three months
- Paper and web option for completing the survey
  - 87% choose the web option

# Survey content

- Demographics
- Patent examiner decisions
- Rejections practice
  - Correctness: compliance with all requirements of Title 35 U.S.C. and relevant case law
  - Clarity: readily understand the position taken
  - Consistency: similar manner of treatment and standards among applications and examiners
- Quality of prior art found by examiners
- Overall examination quality
- Open-end question to solicit comments on topic of interest

# Overall examination quality

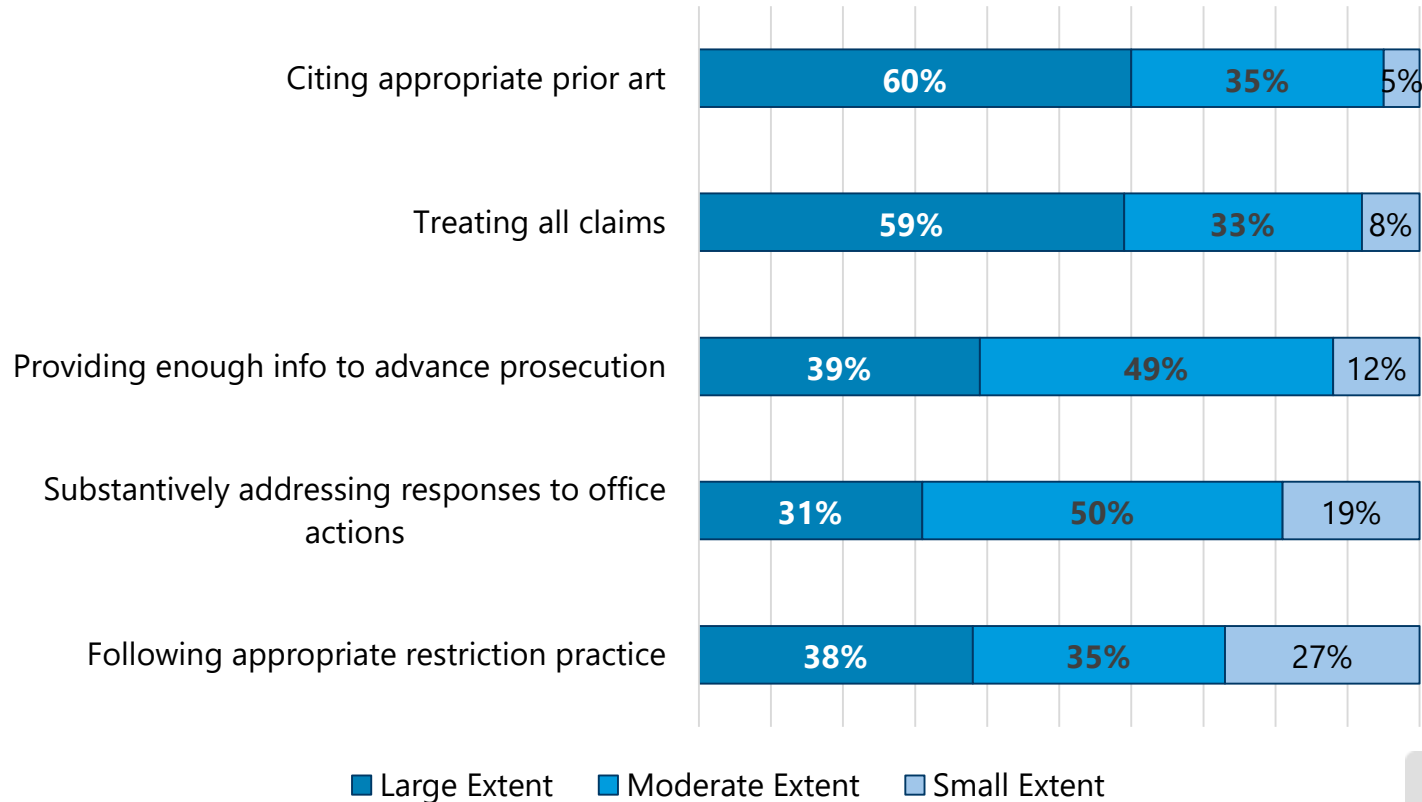


In the past 3 months, how would you rate overall examination quality?

- % "Good" or "Excellent"
- % "Fair" (not displayed)
- - - % "Poor" or "Very Poor"



# Adherence to rules and procedures



# Perceptions vs reality

- External quality survey is a snapshot of customer perceptions
- Challenge is to align perceptions among all system users
  - Finding and communicating the right data points
- Master Review Form and internal quality review program helping meet that challenge
  - Gathering information on what drives correctness, clarity, consistency while understanding system inputs and outcomes
  - Ensuring what we do makes a difference



# Thank you!

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Chief Statistician

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Appendix

# Survey instrument

# External quality survey

## Winter 2020 USPTO Quality Survey

### QUESTIONS ABOUT YOU, OUR CUSTOMER

1. What is your affiliation? (SELECT ONLY ONE)
  - ① Law Firm or Sole Practitioner
  - ② Corporation
  - ③ Independent Inventor
  - ④ Other (University, Federal Government, etc.)
2. Which technology field listed below best describes the majority of patent applications you have filed over the past 3 months? (SELECT ONLY ONE)
  - ① Chemical (Technology Centers 1600 or 1700)
  - ② Electrical (Technology Centers 2100, 2400, 2600, or 2800)
  - ③ Mechanical (Technology Centers 3600 or 3700)
  - ④ Designs (Technology Center 2900)
  - ⑤ Did not file a patent application in the past 3 months
3. Approximately how many Office Actions have you received during the past 3 months?
  - ① 1 to 10
  - ② 11 to 20
  - ③ 21 to 30
  - ④ 31 to 50
  - ⑤ 51 or more
  - ⑥ Have not received an Office Action in the past 3 months

### PATENT EXAMINERS' DECISIONS

4. Consider your experiences over the past 3 months. Please think about the rules and procedures Patent Examiners must adhere to in their decisions. To what extent did the Patent Examiners you worked with adhere to the following rules and procedures with respect to:

|  | Not At<br>All | Small<br>Extent | Moderate<br>Extent | Large<br>Extent | Don't<br>Know/Not<br>Applicable |
|--|---------------|-----------------|--------------------|-----------------|---------------------------------|
| a. Citing appropriate prior art                              | ①             | ②               | ③                  | ④               | ⑤                               |
| b. Treating all claims                                       | ①             | ②               | ③                  | ④               | ⑤                               |
| c. Providing enough information to advance prosecution       | ①             | ②               | ③                  | ④               | ⑤                               |
| d. Substantively addressing your responses to Office Actions | ①             | ②               | ③                  | ④               | ⑤                               |
| e. Following appropriate restriction practice                | ①             | ②               | ③                  | ④               | ⑤                               |



# External quality survey

## REJECTIONS PRACTICE

This section is about Title 35 U.S.C. rejections. The questions ask about correctness, clarity, and consistency of rejections using the following definitions:

**Correctness:** Compliance with all requirements of Title 35 U.S.C. as well as the relevant case law at the time of issuance. Decisions to reject were proper and contained sufficient evidence to support a conclusion of unpatentability.

**Clarity:** Sufficiently allows anyone reviewing a rejection to readily understand the position taken.

**Consistency:** A similar manner of treatment and examination standards between applications and examiners.

### Title 35 U.S.C. 101 Rejections

5. Over the past 3 months, how often were the rejections you received under 35 U.S.C. 101 reasonable in terms of ...

|                | Rarely | Some of the time | Most of the time | All of the time | Don't Know/Not Applicable |
|----------------|--------|------------------|------------------|-----------------|---------------------------|
| a. Correctness | ①      | ②                | ③                | ④               | ⑤                         |
| b. Clarity     | ①      | ②                | ③                | ④               | ⑤                         |
| c. Consistency | ①      | ②                | ③                | ④               | ⑤                         |

### Title 35. U.S.C. 102 Rejections

6. Over the past 3 months, how often were the rejections you received under 35 U.S.C. 102 reasonable in terms of ...

|                | Rarely | Some of the time | Most of the time | All of the time | Don't Know/Not Applicable |
|----------------|--------|------------------|------------------|-----------------|---------------------------|
| a. Correctness | ①      | ②                | ③                | ④               | ⑤                         |
| b. Clarity     | ①      | ②                | ③                | ④               | ⑤                         |
| c. Consistency | ①      | ②                | ③                | ④               | ⑤                         |

### Title 35 U.S.C. 103 Rejections

7. Over the past 3 months, how often were the rejections you received under 35 U.S.C. 103 reasonable in terms of ...

|                | Rarely | Some of the time | Most of the time | All of the time | Don't Know/Not Applicable |
|----------------|--------|------------------|------------------|-----------------|---------------------------|
| a. Correctness | ①      | ②                | ③                | ④               | ⑤                         |
| b. Clarity     | ①      | ②                | ③                | ④               | ⑤                         |
| c. Consistency | ①      | ②                | ③                | ④               | ⑤                         |

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## Title 35 U.S.C. 112(a) Rejections

8. Over the past 3 months, how often were the rejections you received under 35 U.S.C. 112(a) reasonable in terms of ...

|                | Rarely | Some of the time | Most of the time | All of the time | Don't Know/Not Applicable |
|----------------|--------|------------------|------------------|-----------------|---------------------------|
| a. Correctness | ①      | ②                | ③                | ④               | ⑤                         |
| b. Clarity     | ①      | ②                | ③                | ④               | ⑤                         |
| c. Consistency | ①      | ②                | ③                | ④               | ⑤                         |

## Title 35 U.S.C. 112(b) Rejections

9. Over the past 3 months, how often were the rejections you received under 35 U.S.C. 112(b) reasonable in terms of ...

|                | Rarely | Some of the time | Most of the time | All of the time | Don't Know/Not Applicable |
|----------------|--------|------------------|------------------|-----------------|---------------------------|
| a. Correctness | ①      | ②                | ③                | ④               | ⑤                         |
| b. Clarity     | ①      | ②                | ③                | ④               | ⑤                         |
| c. Consistency | ①      | ②                | ③                | ④               | ⑤                         |

## OVERALL EXAMINATION & SEARCH QUALITY

10. For examinations in the past 3 months, would you rate the overall quality of the prior art found by patent examiners as...

- ① Very Poor
- ② Poor
- ③ Fair
- ④ Good
- ⑤ Excellent

11. In the past 3 months, would you rate overall examination quality as...

- ① Very Poor
- ② Poor
- ③ Fair
- ④ Good
- ⑤ Excellent

12. In the past 3 months, overall examination quality has...

- ① Significantly Declined
- ② Slightly Declined
- ③ Stayed the Same
- ④ Slightly Improved
- ⑤ Significantly Improved