

FICPI 12th Open Forum Munich, Germany



Bob Stoll
Commissioner for Patents
United States Patent and Trademark
Office



Importance of Innovation

- President Obama supports: “*An innovation agenda must... remove bureaucratic barriers to entrepreneurs by making our patent process more efficient and reliable.*”
- Support from Department of Commerce, Secretary Gary Locke who committed, “*My top priority for the USPTO—dramatically reducing the unacceptably long time it takes to process patent applications.*”



Strategic Priorities

- **Reduce Patent Pendency and Backlogs**
- **Improve Quality of Examination**
- **Improve/Enhance Patent Appeal and Post-Grant Processes**
- **Demonstrate Global Leadership in all Aspects of IP Policy Development**
- **Improve Information Technology Infrastructure and Tools**
- **Secure a Sustainable Funding Model, and**
- **Improve Relations with Employees and Stakeholders.**



Focused Goals

★ **Achieve First Office Action on the Merits within 10 months.**

★ **Reduce overall pendency to 20 months.**



Stakeholder Relationships

- **Improving stakeholder relationships starts by creating a collaborative environment for all stakeholders.**
- **We are actively seeking ways to create a two-way dialogue, and solicit feedback on our proposals.**
 - **Task Forces: Patent Cooperation Treaty, Board of Patent Appeals and Interferences and work sharing**
 - **Roundtables**
 - **Public Comment requests**
 - **Webinars**
 - **Directors Blog**
 - **Inventor's Eye, newsletter for the independent inventor.**
- **Reengineering of the patent count system represents the ground breaking collaboration with management and labor unions to change the count system.**



Reducing Pendency and Backlog

- **Three Track Examination Pathways**
- **Green Tech pilot program**
- **Project Exchange**
- **Compact Prosecution Training**
- **First Action Interview Program**
- **Reengineering classification system**
- **Ombudsman Program**
- **Streamlining the Appeals Process**



Worksharing Initiatives

Improve examination efficiency and to use resources wisely. Work sharing has evolved as a significant tool in attacking the pendency issues.

- **Patent Prosecution Highway (PPH)**
- **SHARE-type initiatives:**
 - **USPTO-KIPO SHARE Pilot**
 - **USPTO & UK-IPO Action Plan for Re-use**
 - **PCT**
- **IP5 Foundation Projects**



Patent Prosecution Highway (PPH)

- **What is PPH?**
 - **bilateral agreement between the USPTO and select foreign patent offices allows one office to rely to a maximum extent practicable the work previously done by another office, which helps reduce workloads and improve patent quality.**
- **Applications that use the PPH typically receive First Office Actions within 3 months on average.**
- **The average pendency in FY 2009 was 25.8 months to First Office Action and 34.6 months to issue or abandonment.**
- **The allowance rate for PPH applications is 91%, as compared to 44% for non PPH cases.**



PPH Stats: USPTO as 2nd Office

First Office	Start Date	Requests (as of Jan. 31, 2010)
JPO	July 2006 (Pilot) Jan. 2008 (Full)	1,920 278 (Pilot) 1,642 (Full)
UKIPO	Sept 2007	79
KIPO	Jan. 2008 (Pilot) Jan. 2009 (Full)	397 134 (Pilot) 263 (Full)
CIPO	Jan. 2008	26
IPAU	April 2008	32
EPO	Sept. 2008	30
DKPTO	Nov. 2008	15
DPMA	April 2009	15
IPOS	Feb 2009	1
NBPR	July 2009	3



PPH and PCT

- **PPH is completely complementary to the Patent Cooperation Treaty, or PCT.**
- **In January 2010, the USPTO, the JPO and the European Patent Office (EPO) began a program that allows participation within PPH of PCT national or regional phase applications when the International Search Authority, or ISA, determines that one or more claims are allowable.**



SHARE

- **SHARE (Strategic Handling of Applications for Rapid Examination) – maximize re-use between offices to minimize duplication of examination.**
- **When applications are filed in multiple offices, agencies will appropriately prioritize and balance workloads to be able to maximize the re-use of foreign search and examination results, and minimize duplication of examination work done in other IP offices.**
- **The concept of arose out of the discussions among the Trilateral Offices.**



USPTO & KIPO SHARE pilot

- **USPTO and Korean Intellectual Property Office (KIPO) agreed to cooperate on a one-year SHARE pilot, which began in Fall, 2009.**
- **326 cross-filed applications between USPTO and KIPO were identified in two technology areas:**
 - **Fuel and Electrochemical Cells (TC 1700)**
 - **LEDs and Semiconductor Electrodes (TC 2800)**
- **A common search report form developed between the two offices is used to more efficiently share information and consistently evaluate results.**
- **Impact on stakeholders and examiners along with next steps will be determined at pilot end, which is currently ahead of schedule.**



IP5 Foundation Projects

- IP5 is a partnership between: EPO, JPO, KIPO, SIPO and USPTO.
- Ten projects consist of IT-supported business processes and examination practice-related initiatives to provide infrastructure for work sharing.
- Significant progress has been made over the last two years:
 - Working Groups (WGs) to begin detailed planning and implementation of the projects
 - Common Hybrid Classification (EPO)
 - IT-Supported Business Processes (EPO, JPO, KIPO, USPTO)
 - Examination Practice-Related Projects (KIPO, SIPO)
 - Program Management Group to coordinate across the IP5 offices and advise the Deputies and Heads of Office



Improving Quality

- **QUALITY** must also be improved along with our gains in reducing pendency.
- Shift resources from the “second-pair-of-eyes” effort to a front end quality program that assists examiners early in the examining phase.
- A Quality Task Force has been created to gather information from inside and outside the Agency to define how quality should be analyzed and evaluated.



Conclusions

- **Our strategic priorities guide us to the goal of reducing pendency and backlog, and contribute to the improvement of the global IP system.**
- **The USPTO has launched new initiatives that bring new ways of thinking; an open-minded thinking to our Agency.**
- **We have embraced transparency and openness because collaboration with our partners and our applicants brings us the insight we need to reach all of our goals.**



Questions?

Thank You