UNITED STATES
PATENT AND TRADEMARK OFFICE

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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
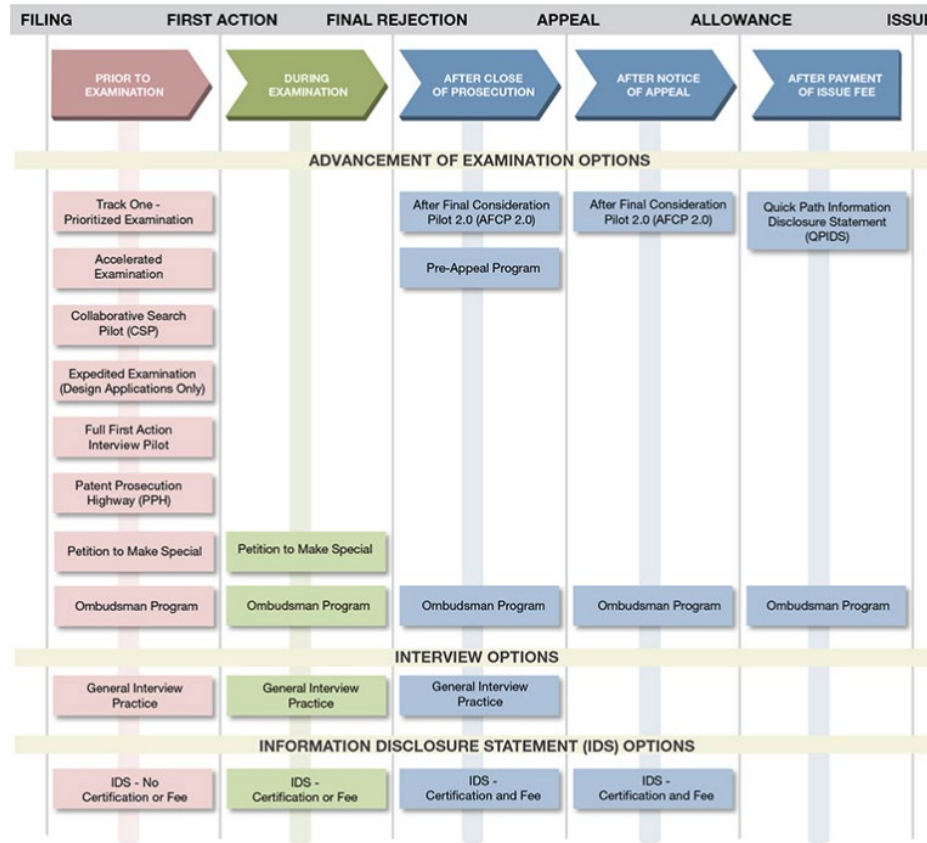- Uses collected fees as efficiently as possible

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

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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