

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Robin Evans **Deputy Commissioner**

September 13, 2022



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Business methods director's update

Tariq Hafiz and Deborah Reynolds
Group Directors, Technology Center 3600
September 13, 2022

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Patents customer partnership meetings

Patents customer partnership meetings (CPM) are built upon the engagement of both internal and external stakeholders to provide enhanced communication channels. This provides a valuable opportunity for our external stakeholders to meet directly with USPTO representatives in a collaborative forum.



Patents customer partnership meetings

For information concerning other CPMs that are being held here at the USPTO you can visit:

<https://www.uspto.gov/patent/cpm>



Call for topics, presenters and panelist

If you are interested in participating in a future partnership meeting or have ideas for future topics please email us your contact information along with potential discussion topics.

Email: BusinessMethods@uspto.gov or fill out the speaker interest form on the Business Methods website.



Welcome external speakers

Kevin Rodkey
Partner
Finnegan, Henderson,
Farabow, Garrett &
Dunner, LLP

Justin Mullen
Senior Counsel, Patents
Capital One

Leonard Stewart
Assistant General Counsel,
Intellectual Property
Fidelity Information Services



Welcome external speakers

Sumeda Ahuja
Partner
Perkins Coie LLP



Lennie Bersh
Shareholder
Greenberg Traurig LLP



Steve Lawrenz
Partner
Seed IP



Barry Schindler
Co-Chair of Global Patent
Prosecution Group
Greenberg Traurig LLP



Welcome internal speakers

Jason Olson
Acting Deputy Director
Office of Petitions



Namrata 'Pinky' Boveja
Acting Director
Technology Center 3600



Kristen Matter
Petitions Examiner
Office of Petitions



Michael Thier
Supervisory Patent Examiner
Technology Center 2400

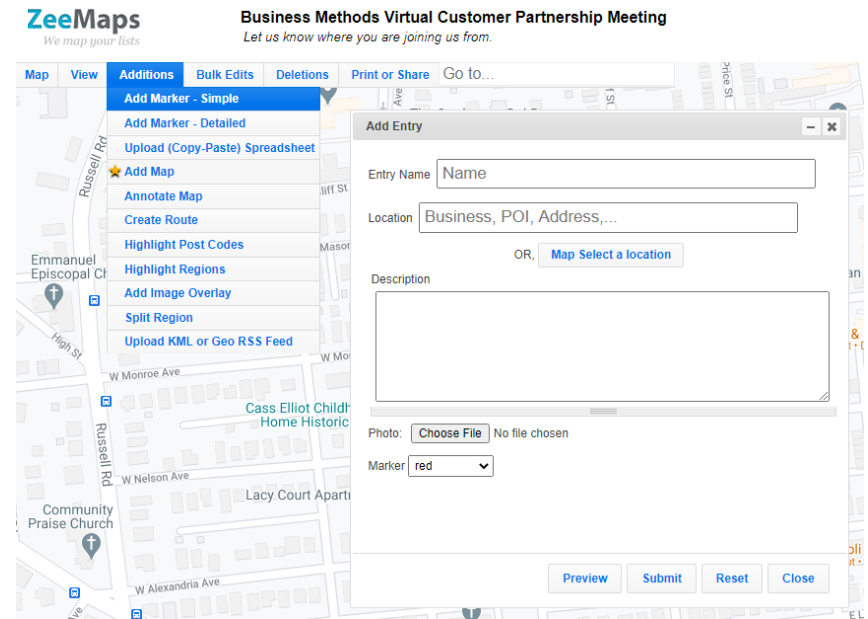


Christine Behncke
Supervisory Patent Examiner
Technology Center 3600



Where are you joining us from?

- Throughout the day we will be checking to see where our participants are joining us from.
- Let us know via the following link:
[2022 Business Methods Partnership Meeting map \(zeemaps.com\)](https://zeemaps.com)
- After you open the link:
 - Click Additions → Add Marker – Simple
 - Enter your city or town.



Business methods website

[Home](#) > [Patents](#) > [Business Methods](#)

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Upcoming Business Methods Events

[Past and future Business Methods events](#)

Business Methods

Select from the following for more information on this page

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The Business Methods area of the USPTO is a collection of subject matter areas in Technology Center 3600 that grants patents related to Data Processing; Financial, Business Practice, Management, or Cost/Pricing Determination. A Business Method patent is a utility patent that protects a method of doing business. The 3620 and the 3680 workgroups examine applications pertaining to advertising, incentive programs, and coupons; cost/price, reservations, shipping, and transportation; cryptography and business data security; electronic shopping; healthcare; inventory, point of sale, and accounting; miscellaneous; and operations research. The 3690 workgroup examines applications pertaining to finance, banking, and insurance. The applications examined by the nine subject matter areas in the Business Method area are explained below.



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Business methods subject matter areas

- Incentive programs, coupons, and advertisement
- Operations research and analysis
- E-shopping
- Healthcare
- Business processing, electronic negotiation (miscellaneous)
- Point of sale, inventory, accounting
- Cost/price, reservations, shipping, transportation
- Business cryptography and voting
- Insurance, banking, and finance



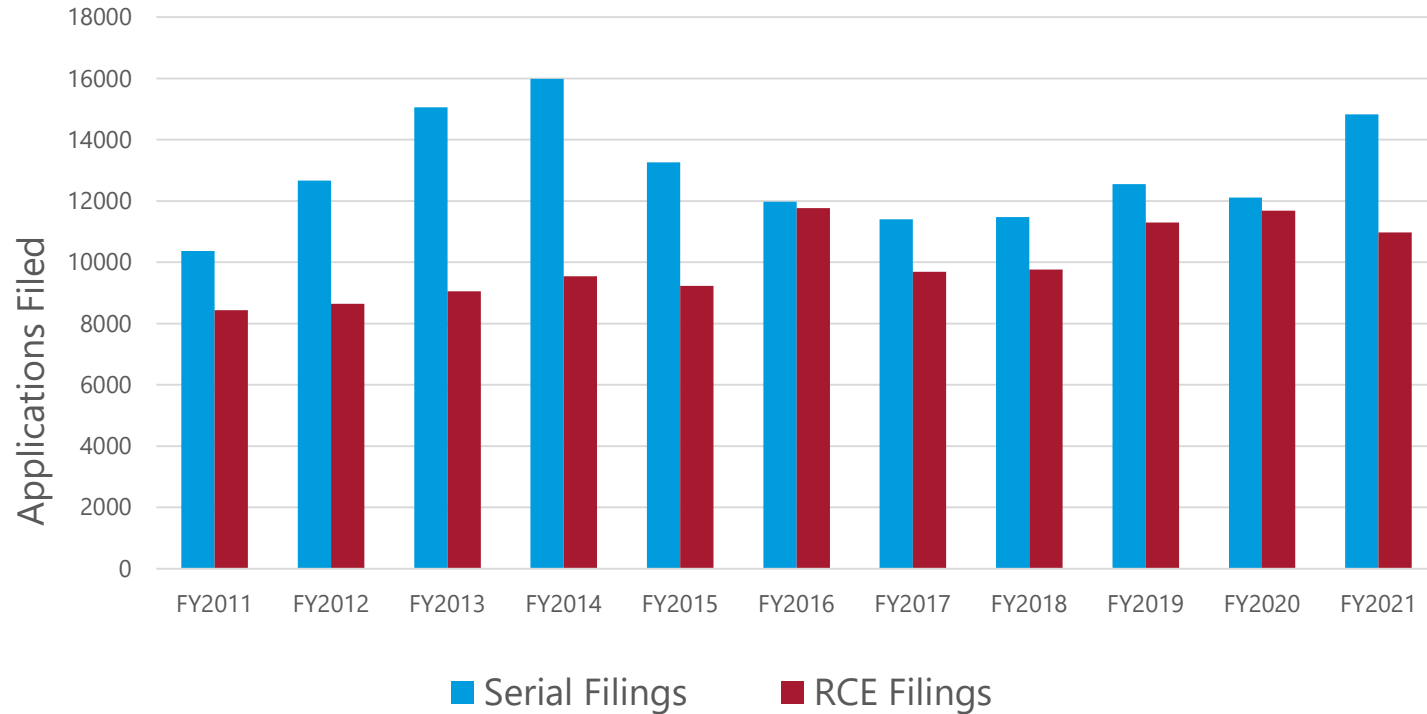
Introducing Deborah Reynolds

- Bachelor of Science in chemistry
 - Pikeville College, Pikeville KY
- Examiner in Technology Center (TC) 1600
 - Gene therapy and transgenic animal arts
- SPE and QAS in TC 1600
- Deputy Director, Office of Patent Training
 - Responsible for providing critical training to patent examiners and managers
- Business Methods Group Director
 - Finance, Healthcare, Cryptography, E-shopping

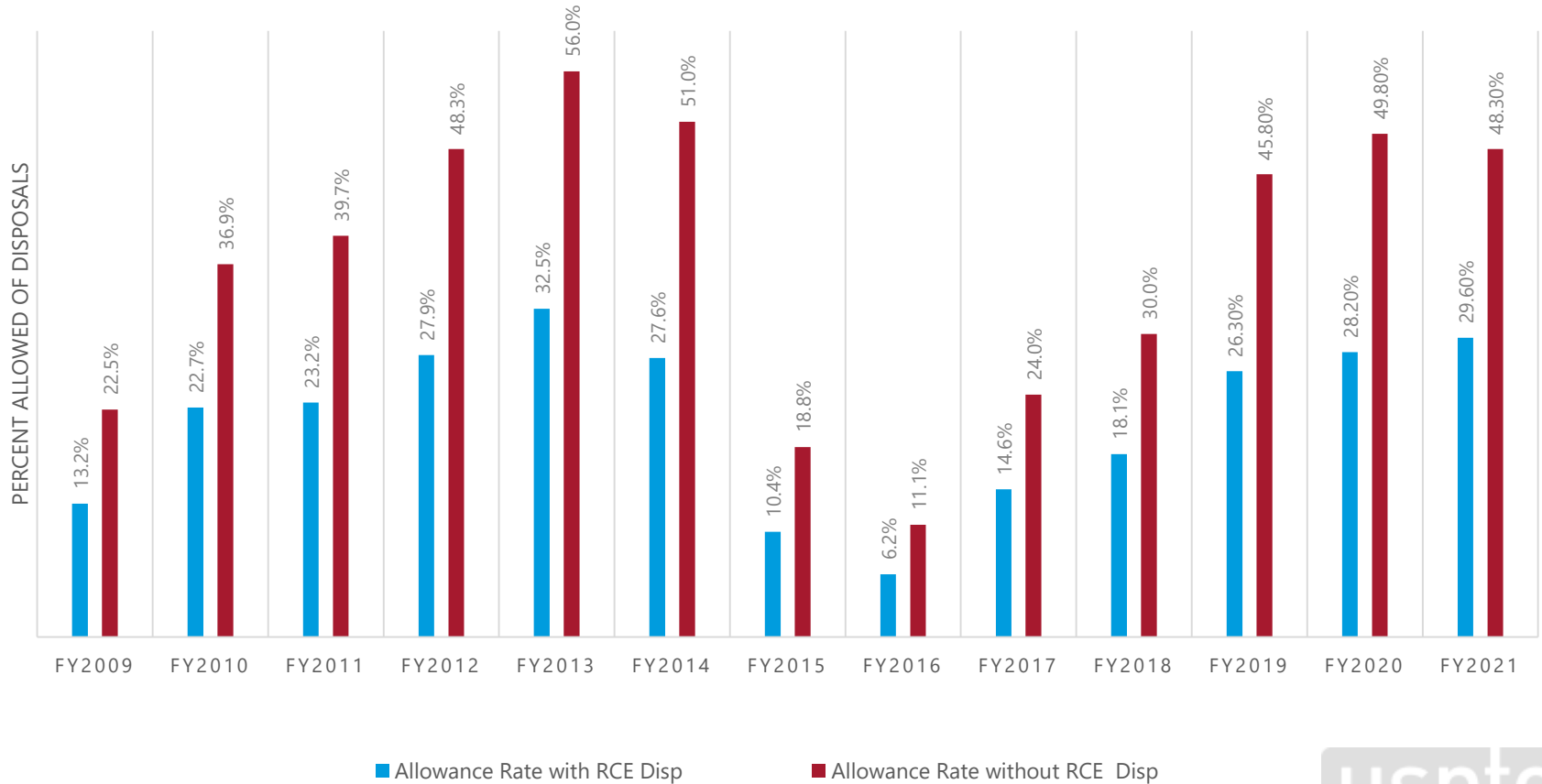


Business Methods **Statistics**

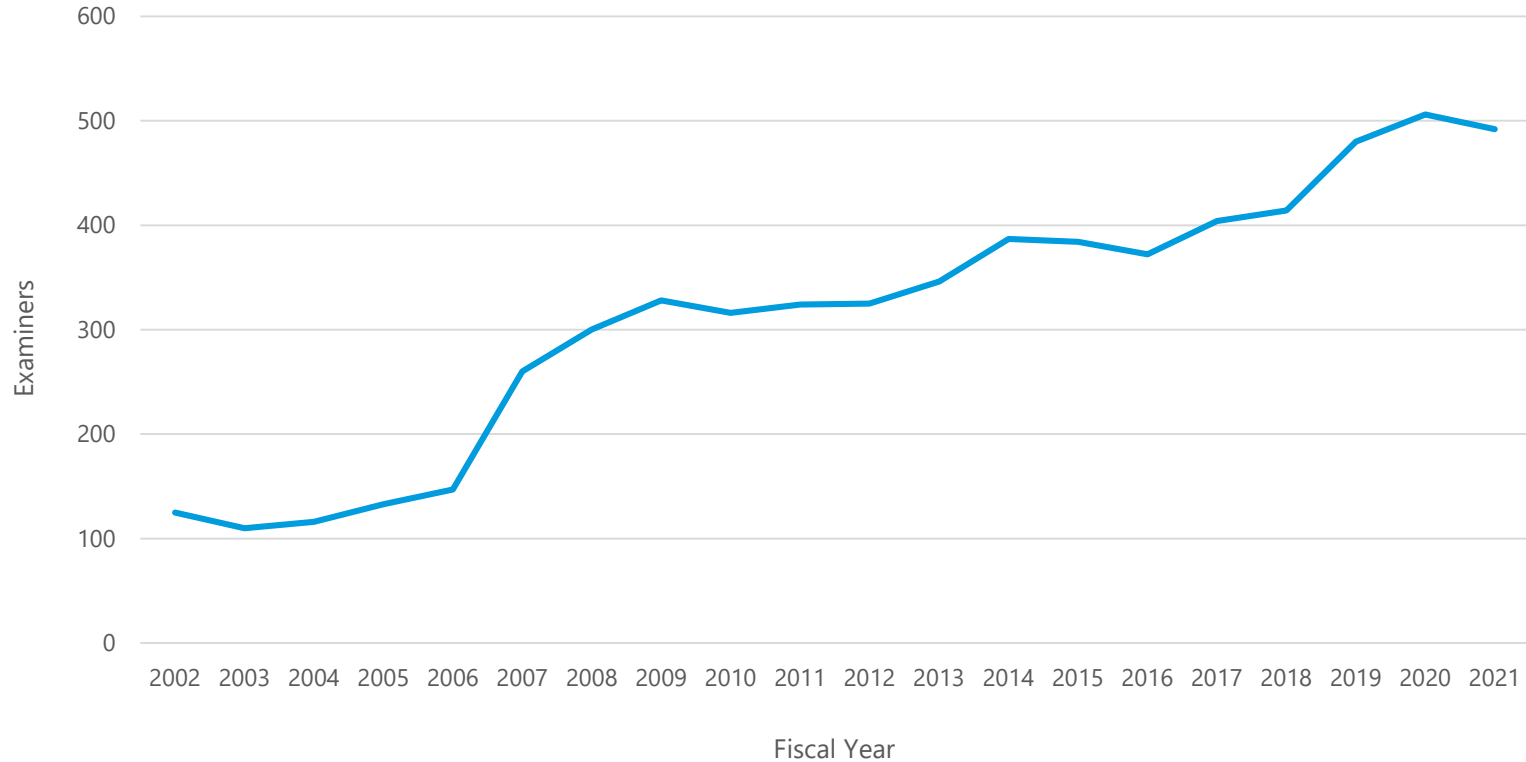
Filing trends in business methods



Business methods allowance rates

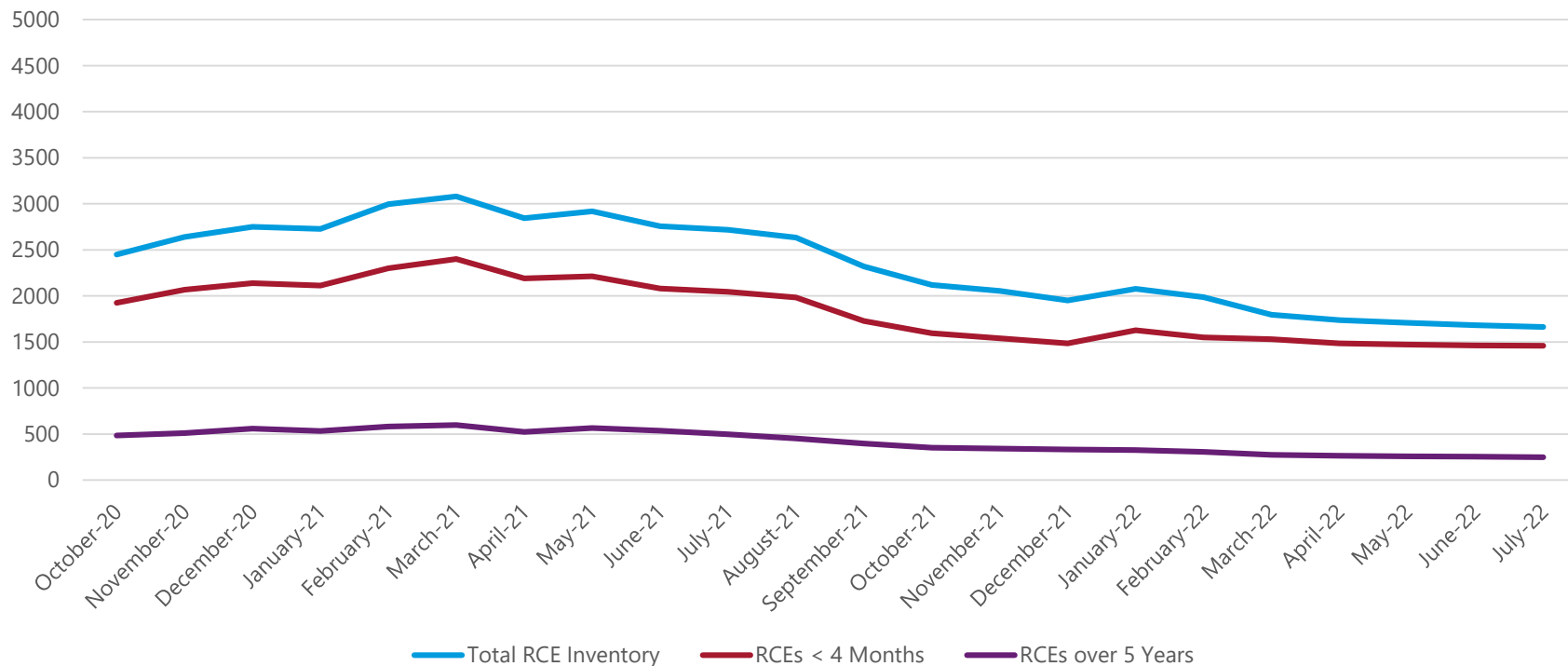


Business methods staff



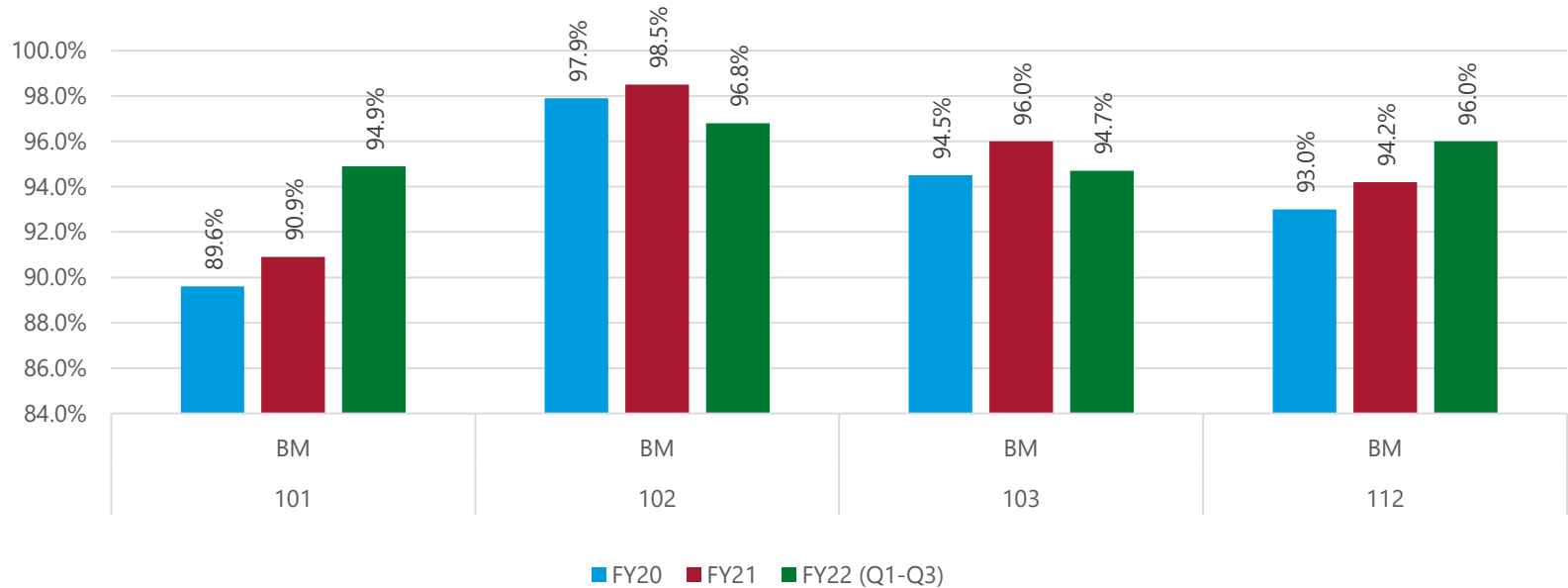
Business methods RCE progress

BM RCEs Progress FY20-Present

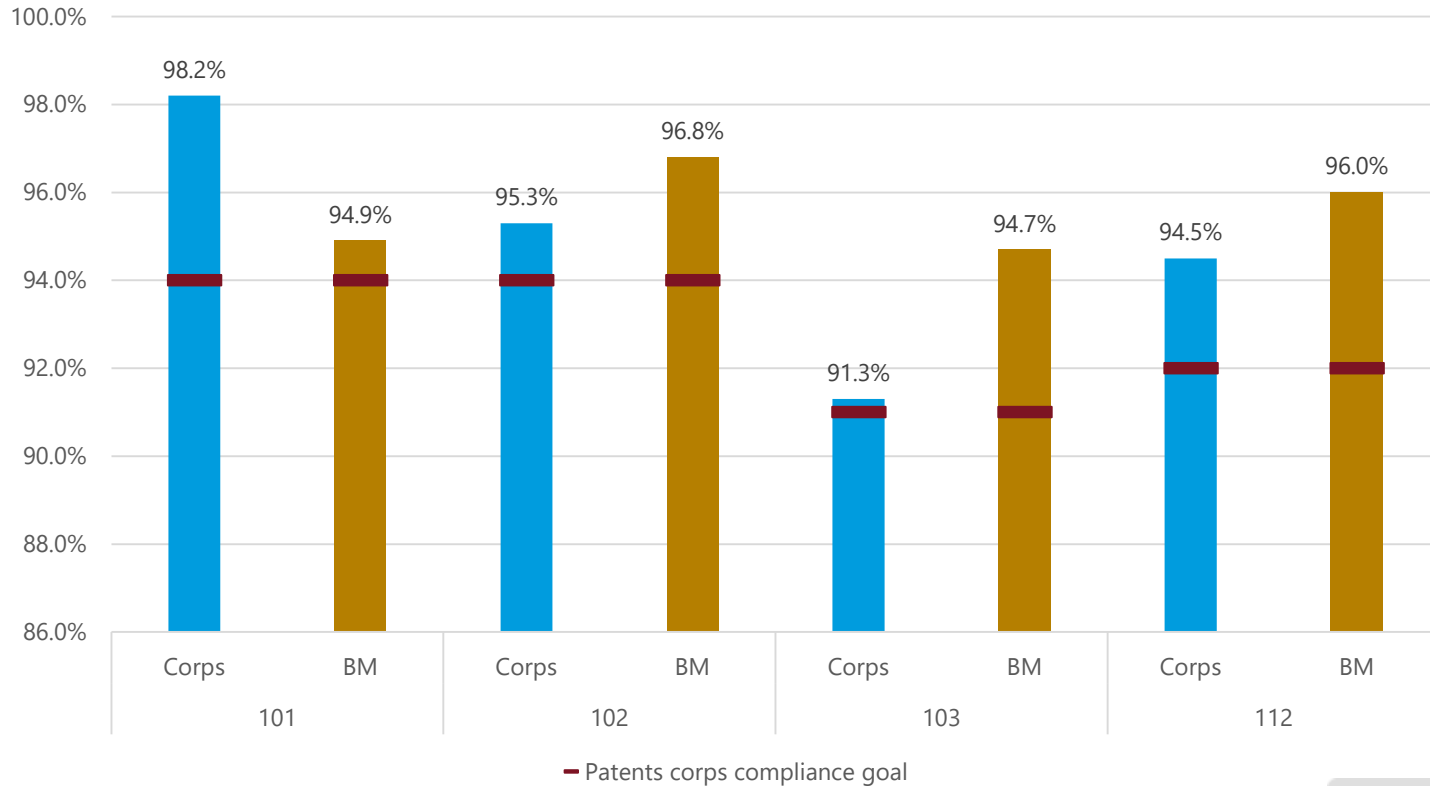


OPQA compliance rate

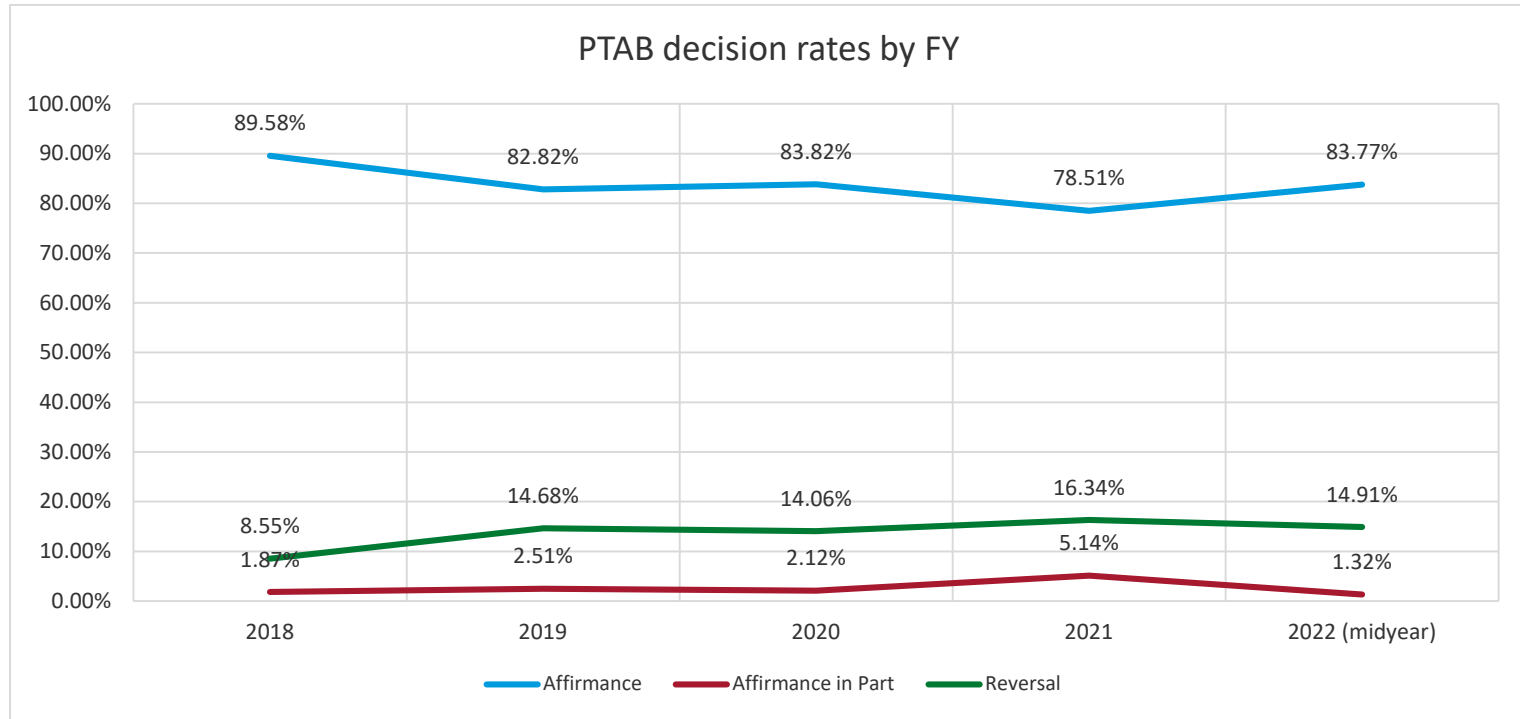
OPQA Trends in BM WGs
FY18 - FY22*



OPQA compliance rate



PTAB Decisions in Business Methods



Business Methods

Assistance and resources

When to contact a SPE

- Your first and best point of contact is always the SPE
- SPEs can access a variety of internal resources and provide suggested plans of action or additional contacts
- Contact a SPE if:
 - You can't reach an examiner
 - You are having trouble making progress with an examiner
 - You have procedural questions that an examiner can't answer



When to contact a TC director

Contact a TC director if:

- You are unable to reach a SPE
- Issues remain after working with a SPE

Contact info:

- Call (571) 270-1490
- Email Tariq.Hafiz@uspto.gov or Deborah.Reynolds@uspto.gov



Patents ombudsman program

The patents ombudsman program enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution.

It is recommended that practitioners start with the Examiner and/or the supervisor before contacting the patents ombudsman if there is a breakdown in communication.

Contact info:

- Email: PatentsOmbudsmanProgram@uspto.gov
- Website: www.uspto.gov/patents/ombudsman-program
- Phone: 571-272-5555 or 1-855-559-8589 (toll free)



Interview specialist

Interview specialists are subject matter experts in each Technology Center (TC) on interview practice and policy. They are available to assist both applicants and examiners.

Contact info:

- Email: ExaminerInterviewPractice@uspto.gov



Inventors Assistance Center (IAC)

The IAC provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and primary examiners who answer general questions concerning patent examining policy and procedure.

Contact info:

- Phone: 571-272-1000 or 1-800-786-9199 (toll free)



Questions?

Business Methods

Pendency and quality initiatives



Pendency initiative:

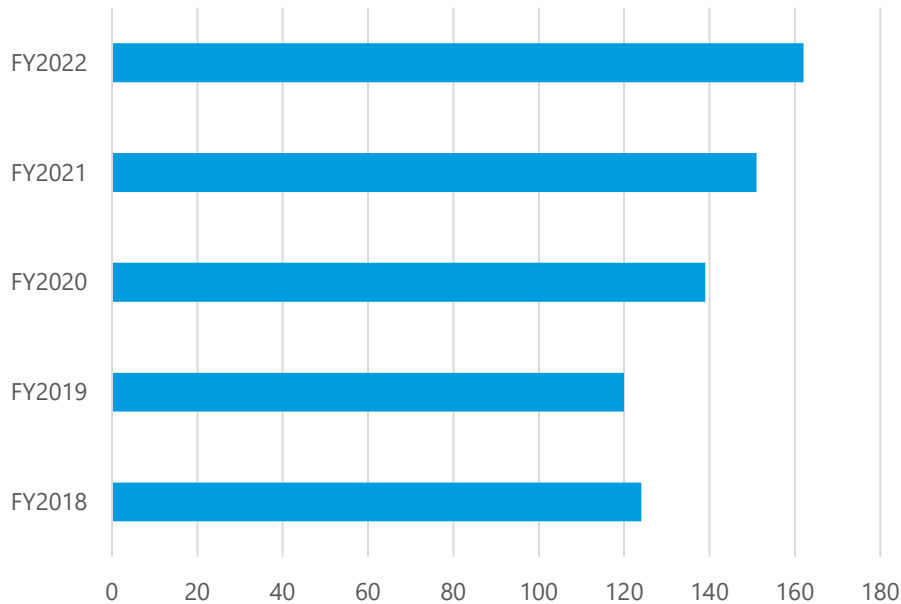
Oldest pending cases

- To provide supervisory oversight to the oldest pending cases in the business methods workgroups
 - Managers review the prosecution history of the oldest pending cases in their art units to resolve any outstanding issues and advance prosecution
- To address the backlog of cases pending for more than 5 years
 - This initiative resulted in a proactive approach that improved pendency and customer satisfaction
 - Examiners received the assistance, when necessary, to advance prosecution

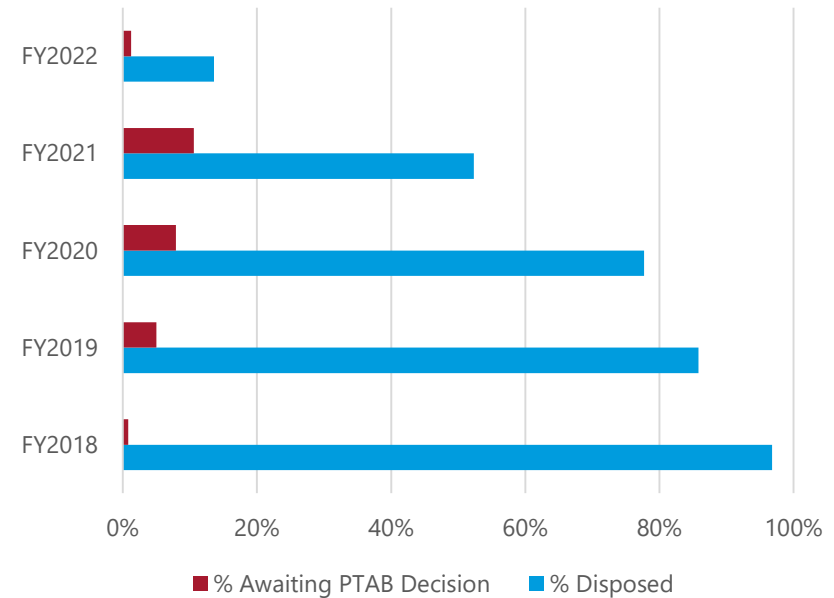


Pendency initiative: Oldest pending cases

Number of cases reviewed



Disposal of cases reviewed



Pendency initiative:

Outlier review

- Reduce rework and support compact prosecution
 - Reporting tools are being used to identify outlier behavior suggesting that the examination process is not proceeding as typically expected
 - Cases are being sampled to determine if there are any trends or concerns
- Increase consistency in decision making and identify applications where the examination process is not proceeding as typically expected
 - Training is developed and prosecution tips shared based on the noted trends



Pendency reduction tips for practitioners

Tips to help reduce pendency and expedite prosecution:

- Avoid filing overly broad claims
- Submit a manageable number of claims
- Reach out to the examiner in an effort to resolve issues via an interview
- Be aware that “testing the market” by filing multiple consecutive RCEs may slow prosecution
- Make sure claims, drawings, and specification are clear and complete
- Provide all pertinent arguments early in prosecution



Quality initiative:

35 U.S.C. 112 clarity and consistency

- Improve consistency and certainty in decision making on 35 USC 112 across the business methods workgroups
 - Delivery of awareness discussions concerning 112(f) and related 112(a) and 112(b) issues
 - Development of training modules related to 112(b) topics
- Increase the clarity of drafted 35 U.S.C. 112 rejections
 - Perform reviews focused on 112 rejections being made in BM art units
 - Results from these reviews provide opportunities for further discussion and feedback



Quality initiative:

35 U.S.C. 101 workgroup discussions

- Ensure consistency in decision making and in application of current policies and procedures with regards to subject matter eligibility
 - Through small group discussions
 - Reinforce key points from 2019 Patent Subject Matter Eligibility Guidance (PEG) and MPEP
 - Discuss technology specific to an art unit with regard to eligibility decisions
 - Provide an opportunity for examiners to ask questions and share information
- Improve the consistency of formulated 101 rejections across the workgroup.
 - In small group settings, QAS provide reminders from the MPEP and shares trends, tips and best practices
 - Office actions are sampled and results discussed



Quality initiative:

Search and best prior art

- Strengthen examiner's search skills to increase confidence in search
- Emphasize the importance of field of search, search strategy, and available tools in locating the best prior art
 - A set of searches are sampled for a single business methods workgroup at a time
 - Overall findings and identified trends are delivered to workgroup SPEs
 - Quality enhancement meetings are held with examiners based on the trends to emphasize searching best practices and to highlight available tools and techniques



Quality initiative:

35 U.S.C. 103 study

- Increase the clarity of 103 rejections made in the Business Methods workgroups, and bring focus on characteristics of proper 103 rejections
 - A set of 103 rejections is sampled using a review form
 - Emphasis is placed on the prima facie case made, including the factual findings and the rationale used to combine the references
 - Review notes are shared with SPE
 - Characteristics of 103 rejections that enhance clarity of the record and consistency in decision making regarding obviousness are communicated to staff



Quality initiative:

Examiner engagement

- Build a community of interest around quality, and promote knowledge sharing across workgroup boundaries
 - During informational sessions, experienced staff
 - Share tips and best practices to promote compact prosecution and a culture of quality
 - Facilitate discussions and provide opportunities for examiners to ask questions and discuss quality topics
- Create an environment of continual learning and an ongoing emphasis on patent quality to ensure continuous improvement

Provide:

- Formal training and awareness discussions
- Opportunities for coaching and feedback



Examiner training overview

Fiscal year 2022 mandatory training included:

- Clear and concise writing
- Interview practice



Examiner training overview

In addition to mandatory training, each examiner is allotted up to 25 hours in FY 2022 to attend trainings that falls within the categories below:

- Legal, policy and procedure training
 - Examiner refresher training
 - Examiner master classes
 - Patent corps examination training
- Technical training



Patent examiner technical training program (PETTP)

Business methods has hosted various large and small technology leaders across diverse industry sectors. Recent presenters include:

- Verizon
- Clearcode
- Tata Consultancy Services
- 3M
- Hyundai
- Locus Robotics
- Covar



Patent examiner technical training program (PETTP)

Several on-line technical courses on emerging technologies are available as part of PETTP. Topics include:

- Neural networks, deep learning, machine learning
- Bitcoin, block chain
- Artificial intelligence



Site experience education (SEE)

- The SEE program is designed to provide patent examiners with an opportunity to visit organizations and learn about the state of the art technology developments.
- Participating organizations have the chance to communicate directly with patent examiners and gain a greater understanding of the importance of the patent system and how it works.
- Learn more about the SEE program and how you can host at:
www.uspto.gov/SiteExperienceEducation or
by sending an email to SEE@uspto.gov.



Questions?

Please enter your question in the chat box.



