Access to Relevant Prior Art

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Project Background

- Study how the USPTO can increase examination efficiency and quality by leveraging electronic resources to retrieve information (prior art, search reports, etc.) from applicant's other applications.

- Explore whether or not automatically importing relevant prior art into the US application file at the earliest point in examination would reduce the burden of duty of disclosure for applicants.

- Consider if patent issuance can be streamlined by eliminating unnecessary information from first page of patent.
Anticipated Benefits

− Quality and efficiency of examination is increased

− Examiner access to relevant prior art and supplemental information in a conveniently searchable manner

− Decreased applicant expense of submitting information and information disclosure statements

− Reduced burden for applicant compliance with duty to disclose information material to patentability
User Perspectives

**Examiners**

**Awareness/availability**: how do examiners know that relevant information art is available and how do they access it

**Efficiently obtained**: how does the relevant information get to the examiner in a manner and time that will increase search and examination efficiency and quality

**Value Recognition** – what supplemental information is available to assist the examiner in determining the relevance of prior art

**Applicants**

**Acquiring Information**: how do applicants efficiently obtain the information necessary to meet their duty of disclosure

**Efficiently obtained**: how do applicants avoid cumbersome, costly, and time consuming efforts to monitor prosecution in related or counterpart applications so as to obtain relevant prior art

**Compliant presentation**: how do applicants efficiently submit relevant prior art and related information to the examiner in a time and manner such that it complies with regulations
Project Phases

- **Phase 1:** Three track parallel information gathering
  - **Track 1** – IT & Data Source Gathering
  - **Track 2** – Application Studies Data Gathering
  - **Track 3** – Data gathering from internal and external stakeholders

- **Phase 2:** Information Review

- **Phase 2.5:** Business Solution Development

- **Phase 3:** IT Development and Implementation*
Project Update

- External User Initial Focus Sessions at Regional Office Locations – June 2016
- Federal Register Notice Published – August 29, 2016
- Roundtable Held at USPTO – September 28, 2016
- Request for Written Comment Period Ended – October 28, 2016
- Application Case Studies – 2nd Quarter FY 17
- Examiners Focus Sessions – Beginning in 2nd Quarter FY 17
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Thank you!