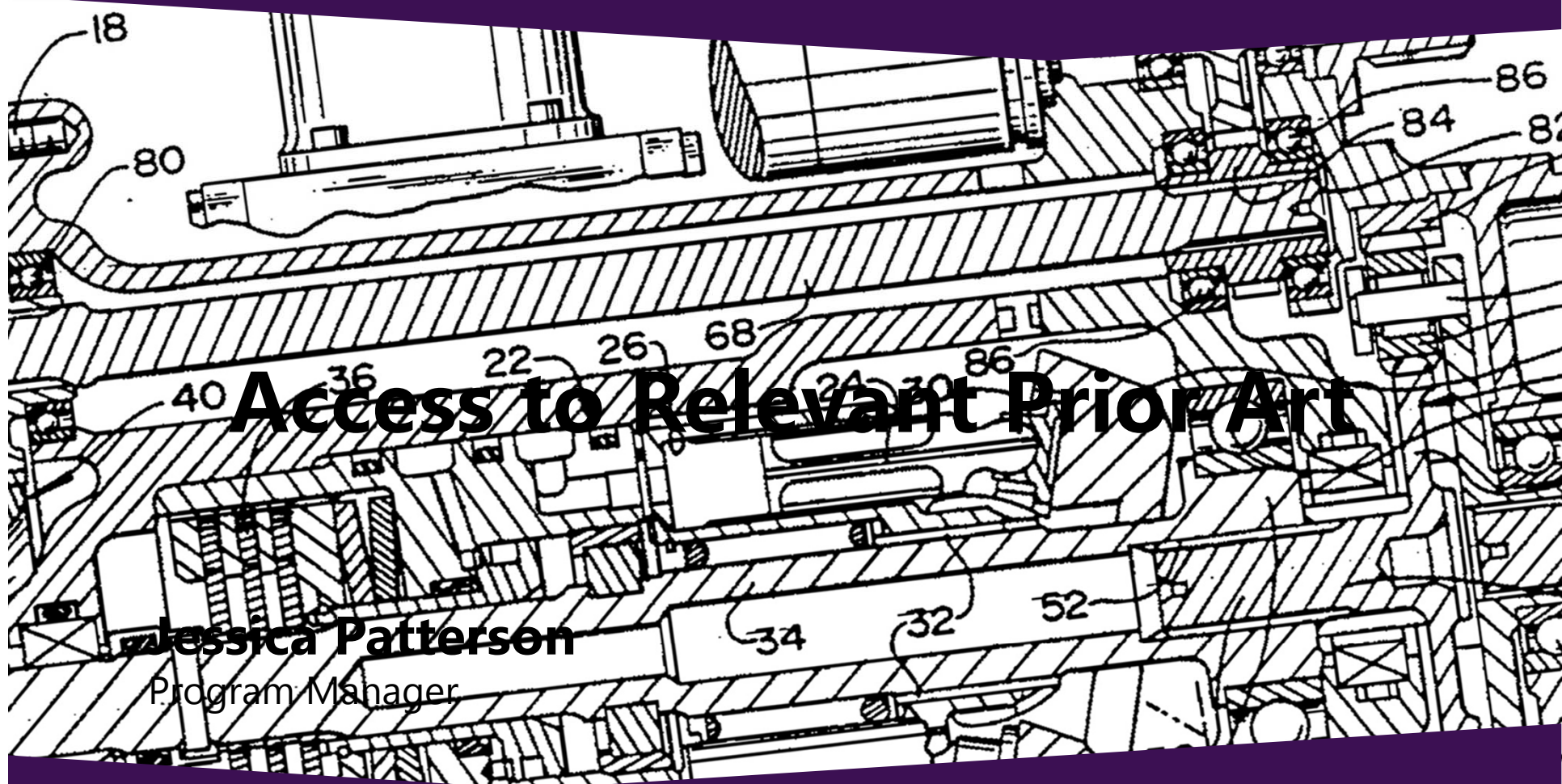


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# Access to Relevant Prior Art

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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\*



*\*based on current IT roadmap and budget*

# 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 – 2<sup>nd</sup> Quarter FY 17
- Examiners Focus Sessions – Beginning in 2<sup>nd</sup> Quarter FY 17



# Prior Art Access Contacts

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**Thank you!**

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