



# **PPAC Outreach Effort**

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# Patent Public Advisory Committee

- **The Patent Public Advisory Committee**
  - **Established by the American Inventor's Protection Act of 1999**
  - **Created to advise the Director of the USPTO on patent-related matters**
  - **Nine voting members are appointed by the Secretary of Commerce, and serve three-year terms**
  - **Includes individuals with substantial background and achievement in finance, management, labor relations, science, technology, and automation**



# Purpose of the Outreach

- In conjunction with PPAC, the USPTO is soliciting feedback from a wide variety of stakeholders to identify improvements to the current patent system
- These stakeholders include practitioners, academics, CEOs, legislators, industry groups, patent holders and independent inventors
- The aim is to identify all manner of change including long, medium and short term solutions
  - Solutions may need:
    - Statutory changes
    - Rule changes, or
    - Programs that can be implemented under USPTO existing authorities.
- Through this process, we hope to define changes that will improve the patent system in terms of quality, timeliness, and other areas of interest to patent users



# Structure of the Outreach

- **USPTO has hired an independent firm to conduct the stakeholder research which is divided into two basic phases**
- **The first phase includes:**
  - Qualitative research which involves:
    - Conducting focus groups (both in-person and virtual/web-based)
    - One-on-one interviews with members of the patent community
    - Collecting and collating existing feedback and suggestions (comments on proposed strategic plan, proposed rules, public reports, etc.)
- **The purpose of this phase is to obtain high-level feedback on problem areas that IP users are interested in and also to identify a wide-range of potential solutions for these areas**



# Structure of the Outreach

- **The second phase includes:**
  - Quantitative research including:
  - Developing an online survey using the findings of the first phase which will narrow the focus and solicit more detail around specific solutions.
- **The results will validate earlier findings and quantify the support for the solutions in the broader IP community**
- **PPAC will review results and make recommendations to the USPTO on viable solutions. The recommendations can be used to develop pilot programs at the USPTO to test the ideas**



# Focus Sessions Conducted

- For the first phase, the following focus sessions have been conducted:
  - Alexandria VA on 8/7/07
    - USPTO Managers
  - Alexandria VA on 9/5/07
    - USPTO Examiners
  - Washington DC on 10/17/07
    - Participant concentration: Patent Practitioners
  - San Francisco on 10/24/07
    - Participant concentration: High-Tech industries
  - New York City on 11/17/07
    - Participant concentration: Large Corporations



# Focus Sessions Conducted

- **First phase focus sessions (cont):,**
  - **Virtual Focus session on 11/26/07**
    - **Participant concentration: Academics and Tech transfer**
  - **Chicago on 1/16/08**
    - **Participant concentration: Manufacturing industries**
  - **Dallas on 1/23/08**
    - **Participant concentration: Energy, Aerospace and Communications**



# Focus Sessions Conducted

- **First phase focus sessions (cont):,**
  - **Virtual Focus session on 1/24/08**
    - **Participant concentration: Financial services industries**
  - **Santa Barbara CA on 1/28/08**
    - **Participant concentration: Corporate patent counsel**
  - **Washington DC on 2/6/08**
    - **Participant concentration: Patent advocacy groups**
  - **Philadelphia on 2/13/08**
    - **Participant concentration: Pharma and Biomed**





# One on One Interviews

- **Phase I, One on One Interviews conducted:**
  - **Judiciary**
  - **CEOs of large corporations**
  - **Independent Inventors**
  - **CEOs of small businesses**



# Documents Analyzed

- **Phase I, sample of available documents considered:**
  - **A Patent System For The 21st Century**
    - **National Academy of Sciences report, 2001**
  - **To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy**
    - **Federal Trade Commission report, 2003**
  - **US Patent and Trademark Office: Transforming to Meet the Challenges of the 21<sup>st</sup> Century**
    - **National Academy of Public Administration report, 2005**
  - **Comments from the public on the USPTO's draft strategic plan**
  - **Comments from the public on various USPTO proposed rule changes**
  - **Various reports from the General Accountability Office (GAO)**
  - **USPTO customer satisfaction surveys**



# Gathering and Analyzing the Data

- Each focus session, one-on-one interview, or document is reviewed to identify problem areas and solutions from the participant's or author's point of view
- These problems and solutions are captured and catalogued for further analysis
- Analysis of the data has revealed a number of areas of interest



# Gathering and Analyzing the Data

- **The following major categories of interest have been identified so far:**
  - **Agency Interaction with the Public**
  - **Alternative Forms of Patents**
  - **Examination Practices**
  - **Fees**
  - **Internal USPTO Processes**
  - **Knowledge, Skills and Abilities Enhancement (Internal and External)**
  - **Post-Issuance Concerns**
  - **Prior Art and Searching**
  - **Recruitment and Retention**
  - **Examination Timing Options**



# Gathering and Analyzing the Data

- **The following are some examples of the most frequently mentioned suggestions:**
  - Pre-examination interviews
  - Improved USPTO search systems
  - Revised examiner production system
  
- **The following are some other representative examples of the more than 1000 ideas catalogued so far:**
  - Hire experts 'on demand' to assist examiners with technical questions
  - Provide legal writing training to examiners
  - Expand window in which third parties can submit prior art in published applications



# Next Steps

- **PPAC Analysis of the data continues**
- **Specific problems or solutions identified in the major categories above will become the subject of the survey instrument in Phase II**
- **Phase II planned for summer and fall of 2008**



# How You Can Help

- Interested in contributing your ideas?
- PPAC and the USPTO welcomes your input on changes to the current Patent System
- I'll be happy to collect your ideas and bring them back to the Office for consideration
- USPTO point of contact for the outreach effort:
  - Andrew Faile
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