

# EXHIBIT 13

**Track One: The New Patent Rules on Continuation  
and Claims Practice from the USPTO's Perspective**

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**PowerPoint Presentation. .... 1-3**

*The New Patent Rules on Continuation and Claims Practice from the USPTO's Perspective*

**PowerPoint Presentation**



**Present & Future Perspectives of the USPTO**  
*Institute of Continuing Legal Education (ICLE)*  
*Spring Seminar 2007 - March 19, 2007*

**John Love**  
Deputy Commissioner for Patent Examination Policy



## Topics

- **Recent Changes – which resulted in success**
  - **Quality –**
    - Fulfilling the goal of continuous improvement
  - **Statistical Update –**
    - Why FY 2006 was a record-breaking year
  
- **Strategic Planning & the Future of the USPTO**

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## **QUALITY**

*Fulfilling the goal of continuous improvement*



## **On-Going Quality Initiatives**

- Interviews before First Action
- Second Pair of Eyes
- In Process Reviews
- Appeal Specialists
- Pre-Appeal Brief Conferences
- Appeal Conferences
- GS 12 Certification Exam
- Primary Examiner Recertification
- TC Targeted Areas of Review
- New Patent Examiner Training Academy
- Central Reexamination Unit
- Accelerated Examination

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## **Interviews Before 1<sup>st</sup> Office Action**

- **Normally granted in continuing or substitute applications**
- **In all other applications interview will be granted if the examiner determines that such an interview would advance prosecution of the application**
- **Examiner may require applicant requesting interview to provide a paper with a general statement of the prior art and no more than three references believed to be the closest prior art and how the broadest claim is distinguished over these.**



## **Second Pair of Eyes**

- **Focuses on reviewing work product throughout examination**
- **Tool to gather information for creating training modules**
- **May be performed throughout a TC or in specific areas**

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## **In Process Reviews**


- **Initiated formally in FY 2003**
- **Statistically significant randomly selected applications are reviewed**
- **Focus of evaluation:**
  - **Whether rejections are proper**
  - **Whether a proper rejection has not been made**
  - **Evaluate search quality**



## **Appeal Specialists**

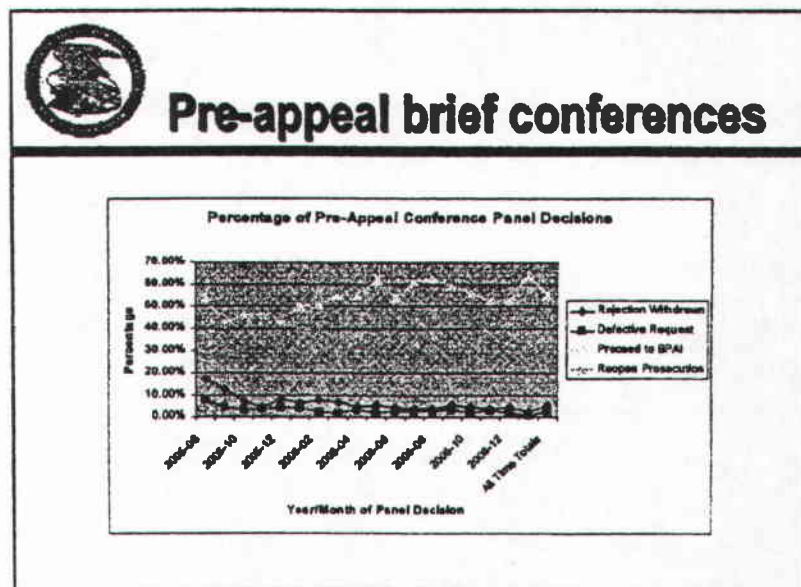
- **TQAS position in each TC**
- **May be a conferee for pre appeal and appeal conferences**
- **Major duties include coordinating appeal matters throughout the TC**
- **Identify trends and training needs**

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## Pre-appeal brief conferences

- Program began July 12, 2005
- Extended February 7, 2006
- Over 5,600 conferences conducted
  - For the last three months of 2006, we decided to proceed to the Board over 65% of the time.



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## **Appeal Conferences**

- **Appeal conference required in every application having a brief**
- **Conferees include:**
  - **Examiner**
  - **SPE**
  - **Appeal Conferee (appeal specialist, another primary or QAS)**



## **GS 12 Certification Exam**

- **Implemented in FY 2004**
- **Ensures that examiners have up to date knowledge of Office procedures and policies**
- **Confirms through testing that examiners have achieved skills to merit the grant of legal competency and negotiation that occurs with a promotion to GS-13**



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## **Primary Examiner Recertification**

- **Established in FY 2004**
- **Applicable to all GS-13 through 15 examiners**
- **Requirements:**
  - **Attendance of legal training**
  - **Testing based on the legal training**
  - **Periodic expanded review of work product**



## **TC Targeted Areas of Review**

- **Technology Centers focus on areas where greatest area of impact is made**
- **May Include:**
  - **Augmenting in-process reviews**
  - **Target second pair of eyes review in specific art areas**
  - **Target specific actions for review (first office action, finals, etc.)**

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## **Training academy**

- **Six classes hired through training academy in 2006, totaling over 600 new examiners**
- **Four classes planned in the first half of '07**
- **Each Tech Center will send new hires through the training academy in '07**



## **Training academy**

- **Evaluating existing processes, including:**
  - **Training delivery**
  - **Program effectiveness**
  - **Administrative oversight/structure**
- **Seeking input on future program development and a permanent structure**

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## **Central Reexam Unit (CRU)**

- **Initiated in July 2005 to improve quality & timeliness of patent reexaminations**
- **Over 1500 cases have been assigned**
- **CRU Staff**
  - **3 Managers (SPREs)**
  - **30 Primary Examiners**
  - **5 Paralegals (support)**
  - **5 LIEs (support)**
  - **Centralized support staff**



## **Central Reexam Unit (CRU)**

- **30 Primary Examiners**
  - **Varied technical expertise**
  - **Reexam experience**
  - **Additional legal training**
  - **Motivated and collegiate**
  - **Quality focused**

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## **Accelerated Examination**

- **Change in practice effective since August 25, 2006**
- **Over 200 AE applications received**
- **Guidance provided on the USPTO web site at <http://www.uspto.gov/web/patents/accelerated/>**



## **STATISTICAL UPDATE**

***Why FY 2006 Was a  
Record-Breaking Year!***