

UNITED STATES  
PATENT AND TRADEMARK OFFICE

uspto

# **Business Methods Customer Partnership Meeting**

## **Quality Specialist Update FY2017 Q4**

Jamisque Plucinski

TQAS

Technology Center 3600

[jamisque.plucinski@uspto.gov](mailto:jamisque.plucinski@uspto.gov)

UNITED STATES  
PATENT AND TRADEMARK OFFICE



**Our goal is to promote and support the continuous improvement of patent products, processes and services through collaboration with internal and external stakeholders of the intellectual property community.**

# What is a Technology Center Quality Assurance Specialist (TQAS)?

Technology Center Quality Assurance Specialist (TQAS)  

[All](#) [Images](#) [News](#) [Videos](#) [Maps](#) [More](#) [Settings](#) [Tools](#)

About 1 results (1.20 seconds)

**noun**

1. a person who concentrates primarily on ensuring that Technology Center wide quality initiatives are successfully administered and the quality needs of work groups and art units are met by providing support to examiners, supervisors, and support staff.

**adjective**

1. possessing or involving detailed knowledge of Technology Center quality needs.

 Translations, word origin, and more definitions

# Examiner Training Overview

- **Each Examiner is allotted up to 25 hours in FY 2017 to attend elective training that falls within the categories below:**
  - Legal, Policy and Procedure Training
  - Technical Training
  - Leadership Training
  - TC-Specific Legal/Policy/Procedural Training based on TC-Specific Needs
- **Training in these categories supports both individual employee development as well as the needs of the agency and provides a balance of legal, policy, technical, and leadership training.**

# Examiner Training Overview

## Recent corps-wide training topics

- FY 17 Interview Practice Training
- Legal Analysis and Writing Part I: Understanding Case Law and the Federal Court System
- Legal Analysis and writing Part II: How to Evaluate and Analyze Legal Arguments Based on Case Law

## Upcoming corps-wide training topics

- 35 U.S.C. 112(f) and 35 U.S.C. 101 Refreshers

## All corps-wide examiner training is publically available

- <https://www.uspto.gov/learning-and-resources/examiner-training-materials>

# Training Action Plans

- Each workgroup / art unit prepares a tailored training action plan for their area.
- These action plans are developed based on workgroup / art unit quality metrics.
- Managers revise their action plans as part of a continual quality focus.
- Throughout the review of their particular quality action plan, and individual examiner work product, SPEs identify a number of themes which are addressed through quality enhancements meetings.

# Quality Enhancement Meetings

- SPEs empower senior examiners and TC trainers to organize and execute quality enhancement meetings. All examiners are authorized to attend these informal discussions.
- These informal discussions are delivered to relatively small groups within Business Methods.



# Quality Enhancement Meetings

## 35 U.S.C. 101 Quality Enhancement Meetings

- **Within workgroups, trainers lead discussions of Memoranda on recent subject matter eligibility, including:**
  - Memorandum on Recent Subject Matter Eligibility Decisions (Enfish, LLC v. Microsoft Corp. and TLI Communications LLC v. A.V. Automotive, LLC) (May 19, 2016)
  - Memorandum on Recent Subject Matter Eligibility Rulings (Rapid Litigation Management v. CellzDirect and Sequenom v. Ariosa) (July 14, 2016)
  - Memorandum on Recent Subject Matter Eligibility Decisions (November 2, 2016)

# Quality Enhancement Meetings

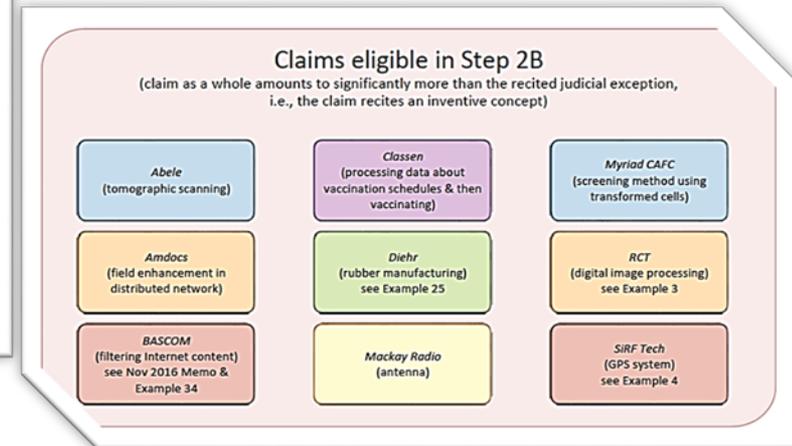
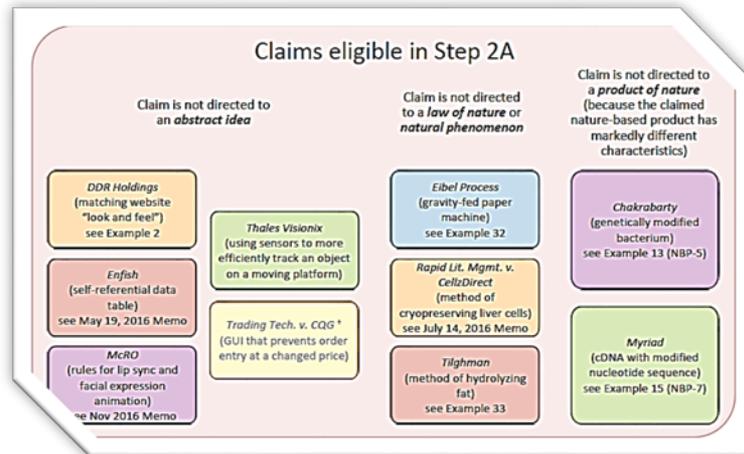
## 35 U.S.C. 101 Quality Enhancement Meetings

- **Within workgroups, trainers lead discussions of various Federal Circuit decisions, including:**
  - Electric Power Group v. Alstom S.A.
  - McRo, Inc. v Bandai Namco Games America Inc.
  - FairWarning IP, LLC v. Iatric Systems, Inc.
  - Amdocs v. Openet
  - Trading Technologies Intl v. CQG, Inc.
  - Ameranth, Inc. v. Apple, Inc.
- **These discussions comprise a deep dive look at the claims in question, a summarization and analysis of the decision rendered, and how these decisions can support an eligibility determination.**

# Quality Enhancement Meetings

## 35 U.S.C. 101 Quality Enhancement Meetings

- Within workgroups, trainers discuss guidance concerning eligibility in Step 2A and in Step 2B



# Quality Enhancement Meetings

## 35 U.S.C. 101 Quality Enhancement Meetings

- Within workgroups, trainers provide guidance on how to navigate the “Case Law Chart” and “index of Examples” located on the USPTO Website.

Case Name	Decision Type	Citation	Decision Date	Patent(s) or App. No(s)	Title or General Subject Matter	Claim Type	Exception Type	Judicial Conclusion	Classification (USPC & CIP)
<i>Audiotex North America v. Microsoft International</i>	Non-precedential with opinion	___ Fed. Appx. ___ (Fed Cir 2017) CAFC Appeal No. 16-1913	3/2/2017	8,458,038 7,912,740	Processing work products (valuation reports) for vehicles via the world wide web	Method, System	Abstract Idea	Ineligible	7094 G06Q 1910 (both patents)
<i>Alkam Techs v. T-Mobile</i>	Non-precedential with opinion	___ Fed. Appx. ___ (Fed Cir 2017) CAFC Appeal No. 16-2011	6/23/2017	8,127,345 8,367,855	Method and system for managing access to protected computer resources	Method, System	Abstract Idea	Ineligible 345 claims 1, 77 and 87 155 claims 11, 37 and 56	7297 G06F 21035 72623 G06F 21035
<i>Cleveland Clinic Foundation v. True Health Diagnostics, LLC</i>	Precedential	___ F.3d ___ U.S.P.Q.2d ___ (Fed Cir. 2017) CAFC Appeal No. 16-1916	6/16/2017	8,343,591 7,459,206 7,223,952	Assessing the risk of a major adverse cardiac event in patients with chest pain using enzyme levels	Methods	Law of Nature	Ineligible	43928 C10Q K28 439724 C10Q K28
<i>Cardif-Adaptation Corp v. Intellectual Services</i>	Precedential	___ F.3d ___ U.S.P.Q.2d ___ (Fed Cir. 2017) CAFC Appeal No. 16-2011	9/9/2017	6,950,807	System and Method for providing financing	Method, system	Abstract Idea	Ineligible Claims 10-12 and 14-33	70530 G06Q 40025
<i>Edisweb Innovations, LLC v. Twitter, Inc.</i>	Non-precedential with opinion	___ Fed. Appx. ___ (Fed Cir. 2017) CAFC Appeal No. 16-2006	9/30/2017	7,838,372 7,609,659 7,935,247 7,596,636 7,032,030	Publishing a message on the Internet	Method, system	Abstract Idea	Ineligible 372, 1, 2 and 10 1559: 1, 2, 11, 16, 18, 24, and 29 247: 1, 2, 4, 7, 9, 16, 23, 28, 30-33, 39-40, and 43 506: 1 and 18 1030: 1, 17 and 36	709206 G06Q 17107 709246 H04L 2905
<i>Allegri Corp LLC v. Minirendu Co</i>	Precedential	855 F.3d 1322, 122 U.S.P.Q.2d 1377 (Fed Cir. 2017)	4/26/2017	8,005,303	Encoding and decoding image data	Method, system and product	Abstract Idea	Ineligible	363232
								Ineligible 156: claims 9-11, 13-15, 17-19, 22-24, 29 and 38	

# Quality Enhancement Meetings

## Other recent Business Methods Quality Enhancement Meetings

Factors in determining enablement	Reasons for allowance
Shift of invention / original presentation	Recommending eligible subject matter
Examiner Answer best practices	Official notice and design choice
103 clarity	Restriction practice
112(a) written description	Means plus function 112(f)
Restriction write-ups	Response to Arguments
Double Patenting rejection write-ups	KSR / motivation statements

# Other Quality Initiatives

## Business Methods Art Unit Immersion

- Review 2-3 cases per examiner for an entire art unit. Take the findings and determine if there are training issues which are needed for an entire art unit.

## Goals

- To improve quality of Office Action in TC 3600
- To evaluate patent examination related issues on an art unit level
- To help individual examiners meet goals
- Identify Outlier art units

# Other Quality Initiatives

## Additional Training Time

- In the Business Methods area, additional training time has been provided to allow examiners to learn and apply methods from the 35 U.S.C. 101 resources. The intention is to allow examiners to:
  - Effectively respond to written applicant arguments
  - Effectively respond to applicant arguments during interviews
  - Discuss additional 35 U.S.C. 101 guidance from a SPE and/or QAS
  - Apply the training materials from prior training and documents
  - Review the specification for statutory subject matter and document/call applicant with suggestions if applicable.

**Questions?**

