



Innovation, Science and
Economic Development Canada
Canadian Intellectual Property Office

Innovation, Sciences et
Développement économique Canada
Office de la propriété intellectuelle du Canada

Canada

CIPO Patent Quality Summit

PCT/MIA Quality Subgroup

Marie Quinn

Program Manager – Quality, Patent Branch, CIPO

February 2020





Welcome to CIPO's presentation on its Patent Quality Summit!

“

Quality is never an accident.
It is always the results of intelligent
effort

”

- John Ruskin



AGENDA FOR TODAY'S PRESENTATION

- Purpose of the Summit
- By the Numbers
- Quality Summit
 - Panels
 - Workshop insights
 - Defining Patent Quality
 - Quality Factors
 - Publishable Metrics
- Summit Feedback
- Summary of Key Findings
- Next Steps

PURPOSE OF THE SUMMIT

The **CIPO Patent Quality Summit** fostered innovation through enhancing patent quality by:

- ✓ **Engaging participants** on quality related topics through panel discussions
- ✓ **Collecting participant feedback** on how they define patent quality and what they would like to see in terms of metrics and reporting
- ✓ **Encouraging networking and sharing of perspectives** regarding patent quality

CIPO PATENT QUALITY SUMMIT

SUMMIT – BY THE NUMBERS

- **1-day event** – on February 26, 2019 at the Canada Science and Technology Museum
- **Over 60 participants** - including agents, industry, private inventors, Government of Canada agencies, USPTO representatives and CIPO employees
- **1 keynote speaker** - Dr. Khaled El Emam discussed the role of IP in a successful business strategy
- **6 guest panelists** – 3 panel discussions
- **1 presentation** – CIPO QMS presentation
- **1 interactive workshop** – 3 parts

Discussion d'experts 3 : Panel 3:
À l'écoute de nos clients | **Listening to our clients**



ANDRÉE PATRY
Gestionnaire, secteur des opérations, Services aux brevets et affaires stratégiques, CIPO
Operational Manager, Patent Services and Strategic Affairs, CIPO

Fort de ses nombreuses années d'expérience en tant que gestionnaire opérationnelle, Andrée Patry dirige l'unité des opérations, responsable de la prestation de services aux brevets et affaires stratégiques, et de la gestion de l'équipe de spécialistes en matière de brevets et affaires stratégiques. Elle a également travaillé pendant de nombreuses années en tant que gestionnaire de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

With the benefit of her vast experience and technical knowledge, Andrée Patry leads Operations, responsible for the patent services and strategic affairs, and manages the team of specialists in patent services and strategic affairs. She has also worked for many years as a project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

MARIE QUINN
Gestionnaire de programmes - Qualité, Services aux brevets et affaires stratégiques, CIPO
Program Manager - Quality, Patent Services and Strategic Affairs, CIPO

Marie Quinn est responsable de l'unité de la qualité des services aux brevets et affaires stratégiques. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Marie Quinn is responsible for the quality of patent services and strategic affairs. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

STEPHEN MACNEIL
Membre, Commission d'appel des brevets, CIPO
Member, Patent Appeal Commission, CIPO

Stephen Macneil est un avocat en droit des brevets et un ancien juge de la Commission d'appel des brevets. Il a travaillé pendant de nombreuses années en tant que conseiller juridique et gestionnaire de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Stephen Macneil is a patent lawyer and a former judge of the Patent Appeal Commission. He has worked for many years as a legal advisor and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

CHRISTINE PICHÉ
Directrice adjointe, Services aux brevets et affaires stratégiques, CIPO
Assistant Director, Patent Services and Strategic Affairs, CIPO

Christine Piché est responsable de l'unité des services aux brevets et affaires stratégiques. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Christine Piché is responsible for the patent services and strategic affairs unit. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

SCOTT VASUDEY
Directeur, Division des affaires internationales et de la politique administrative des brevets, CIPO
Director, Patent Services and Strategic Affairs, CIPO

Scott Vasudey est responsable de la division des affaires internationales et de la politique administrative des brevets. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Scott Vasudey is responsible for the international patent services and administrative policy division. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.



Discussion d'experts 2 : Panel 2:
Obstacles à la qualité des brevets | **Obstacles to Patent Quality**



GREG VIDOVICH
Coordinateur Adjoint de la qualité des brevets, VSPFO
Assistant Commissioner for Patent Quality, CIPO

Greg Vidovich est responsable de la qualité des brevets et de la gestion de l'équipe de spécialistes en matière de brevets et affaires stratégiques. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Greg Vidovich is responsible for patent quality and manages the team of specialists in patent services and strategic affairs. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

JENNA WILSON
Agente de brevets, services, Wilson Lee LLP
Patent Agent, Services, Wilson Lee LLP

Jenna Wilson est une agente de brevets et une gestionnaire de programmes et de projets. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Jenna Wilson is a patent agent and a program and project manager. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

CATHERINE ECKENSWILLER
Conseillère juridique, VSP/Novartis Inc.
Legal Counsel, VSP/Novartis Inc.

Catherine Eckenswiller est une conseillère juridique et une gestionnaire de programmes et de projets. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Catherine Eckenswiller is a legal advisor and a program and project manager. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

KATHLEEN MURPHY
Directrice, Services des Biotechnologies, Division des brevets, CIPO
Director, Biotechnology Division, Patent Branch, CIPO

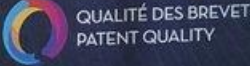
Kathleen Murphy est responsable de la division des services des biotechnologies. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Kathleen Murphy is responsible for the biotechnology services division. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

MARC DE VLEESCHAUWER
INGÉNIEUR / INNOVATION
Legislative Change Business Readiness Manager, Patent Services and Strategic Affairs, CIPO

Marc de Vleeschauwer est un ingénieur et un gestionnaire de programmes et de projets. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Marc de Vleeschauwer is an engineer and a program and project manager. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.



Discussion d'experts 1 : Panel 1:
Recherche et qualité des brevets | **Searching and Patent Quality**



IAN WETHERBEE
Responsable de l'ingénierie, Google Patents
Engineering Lead, Google Patents

Ian Wetherbee est responsable de l'ingénierie et de la gestion de l'équipe de spécialistes en matière de brevets et affaires stratégiques. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Ian Wetherbee is responsible for engineering and manages the team of specialists in patent services and strategic affairs. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

ANDRA DAODU
Agente de brevets, Wilson Lee LLP
Patent Agent, Services, Wilson Lee LLP

Andra Daodu est une agente de brevets et une gestionnaire de programmes et de projets. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Andra Daodu is a patent agent and a program and project manager. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

ALIJUN
Membre, Commission d'appel des brevets, CIPO
Member, Patent Appeal Commission, CIPO

Alijun est un membre de la Commission d'appel des brevets et un gestionnaire de programmes et de projets. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Alijun is a member of the Patent Appeal Commission and a program and project manager. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

HERIDAN
Directrice, Services des Biotechnologies, Division des brevets, CIPO
Director, Biotechnology Division, Patent Branch, CIPO

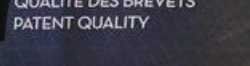
Heridan est responsable de la division des services des biotechnologies. Elle a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Heridan is responsible for the biotechnology services division. She has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.

SCOTT VASUDEY
Directeur, Division des affaires internationales et de la politique administrative des brevets, CIPO
Director, Patent Services and Strategic Affairs, CIPO

Scott Vasudey est responsable de la division des affaires internationales et de la politique administrative des brevets. Il a travaillé pendant de nombreuses années en tant que gestionnaire de programmes et de projets, supervisant un grand nombre de projets de clients, notamment en matière de services aux brevets et affaires stratégiques.

Scott Vasudey is responsible for the international patent services and administrative policy division. He has worked for many years as a program and project manager, supervising a large number of client projects, including those in patent services and strategic affairs.



CIPO PATENT QUALITY SUMMIT

SUMMIT - AGENDA

Morning

Keynote Address

Panel Discussions

- Search and Patent Quality
 - AI, Databases, Search tools, client and examiner searching, comprehensive searching, etc.
- Obstacles to Patent Quality
 - Quality vs timeliness vs cost, etc.

Afternoon

CIPO Patent Quality Presentation

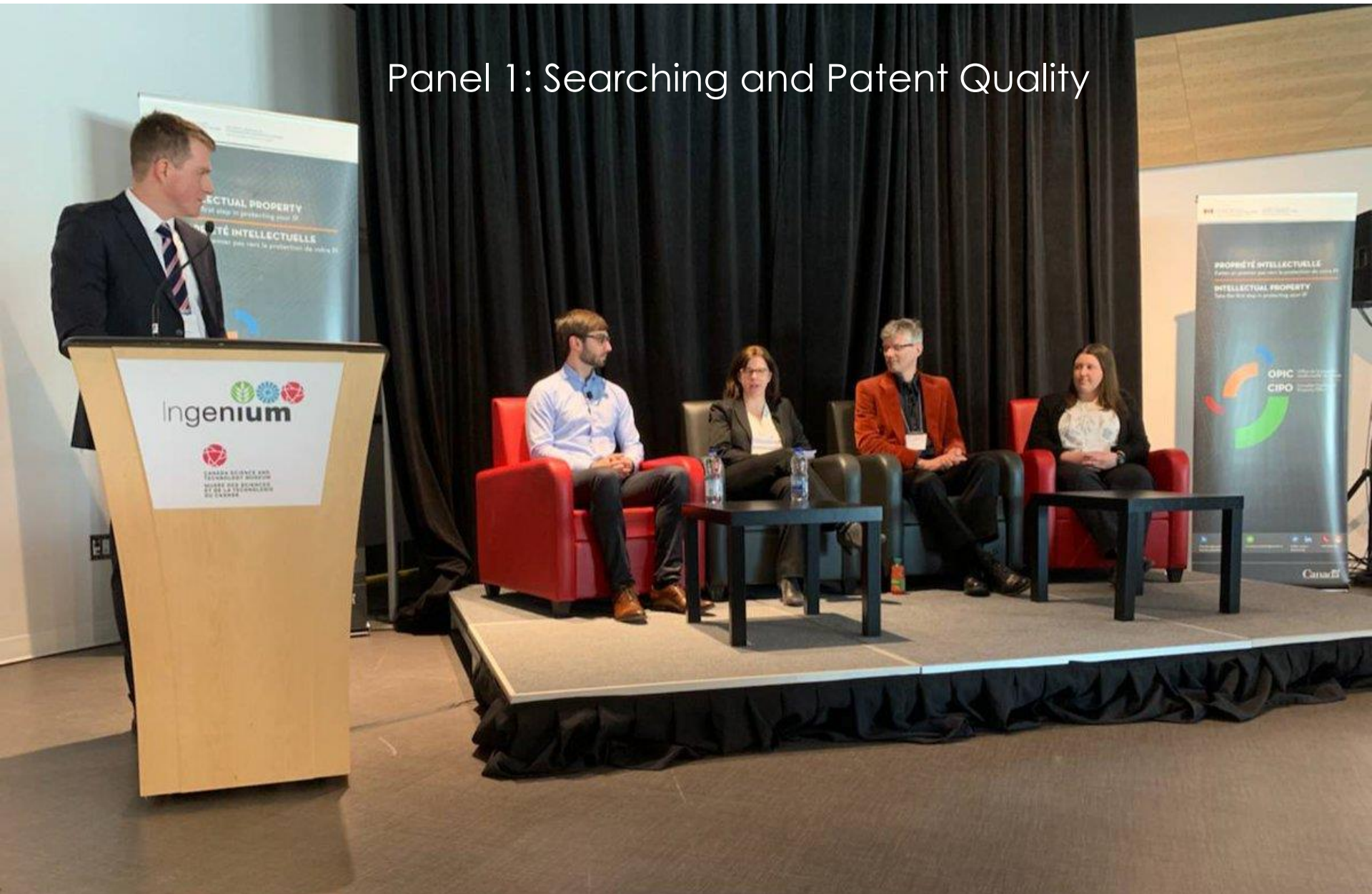
Panel Discussion

- Listening to our Clients

Workshop

- Defining Patent Quality
- Prioritization of Quality Factors
- Monitoring and Reporting on Patent Quality

Panel 1: Searching and Patent Quality



PANEL 1 – SEARCHING AND PATENT QUALITY

Highlights

- Searcher must be able to clearly understand the invention
- Work done at outset in drafting and communication with searcher lays the ground for a more meaningful search
- Trade off between time and quality
- Using the appropriate search engine is key to returning most relevant results
- Advances will be able to capture meaning of paragraphs or full documents to find relevant hits
- AI driven technologies may start to look at whole collections at once
- Confidence in ability to know when the search is done

Panel 2: Obstacles to Patent Quality



PANEL 2 – OBSTACLES TO PATENT QUALITY

Highlights

- Patents must be compliant with *Act* and *Rules*, enforceable and valuable
- Balance between quality, cost and time
 - both to prepare and examine applications
- How to measure quality?
- Quality is a shared responsibility between stakeholders and the office

Panel 3: Listening to Our Clients



PANEL 3 – LISTENING TO OUR CLIENTS

Highlights

- CIPO was preparing for the Patent Law Treaty
 - Mapping updates, addition of QC steps, testing of software, awareness
 - Review of office correspondence and improvements put into place
 - Ensured client was well aware of what steps needed to be taken
- Should examiner interview service be expanded?
- Should CIPO standardize examiner's reports?
- Quality is a shared responsibility between stakeholders and the office

CIPO PATENT QUALITY SUMMIT



WORKSHOP INSIGHTS





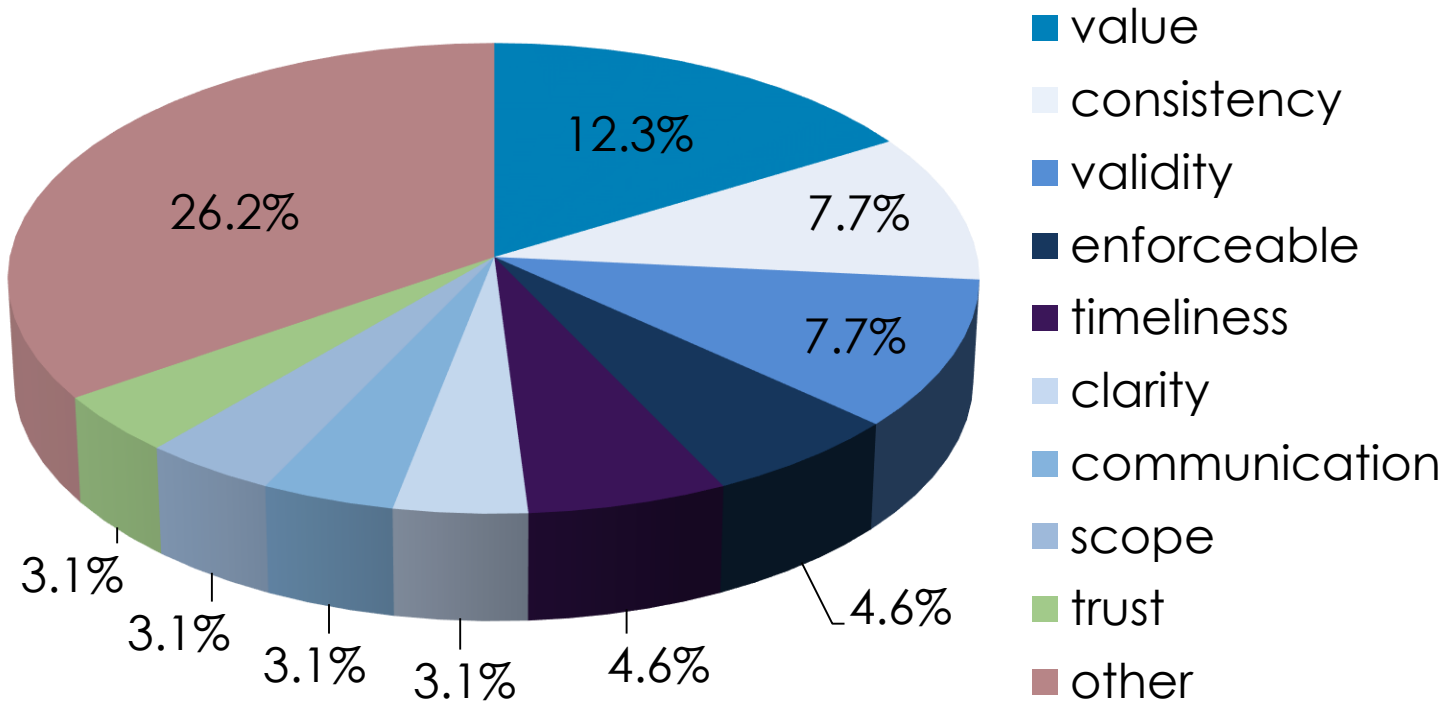
WHAT DOES PATENT QUALITY MEAN TO YOU?

- Structure:
- Present 3 out of the top 5 words
 - Give them to make a narrow definition for Patent Quality
 - Write your definition on the template card provided
- Top 5 words:
- Consistency
 - Novelty
 - Technicality
 - Employee activity
 - Value

The best 3-5 reasons for this activity

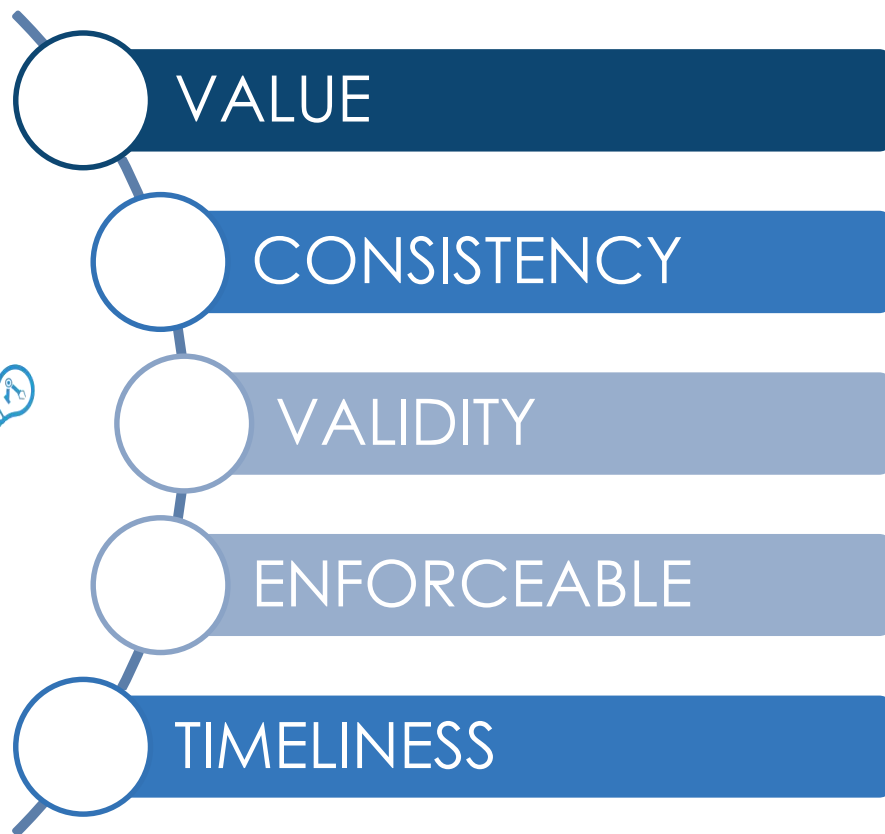
WORDS USED TO DEFINE PATENT QUALITY

Workshop part 1 - Defining Patent Quality



DEFINING PATENT QUALITY

HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?



PATENT QUALITY DEFINITION

HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- An **enforceable** and **valuable** patent obtained in a **timely** manner



PATENT QUALITY DEFINITION

HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- Provide a **consistent** and **timely** process in order to provide a **valid** and **enforceable** patent having **value** for the patent holder
- Patent Quality refers to a high **value** property right stemming from an **enforceable** and **valid** patent





PATENT QUALITY DEFINITION

HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- **Consistent** delivery of **enforceable** patent rights in a **timely** fashion
- A quality patent are high-**value enforceable** rights in a **timely** manner

QUALITY MEANS DIFFERENT THINGS TO DIFFERENT PEOPLE



PATENT QUALITY FACTORS

FACTORS AFFECTING QUALITY

Workshop part 2 - Quality Factors

Top 6/20 Quality Factors selected:

- ✓ Claims granted commensurate in scope with what the applicant has invented and disclosed
- ✓ Examination of applications and of responses from the applicant is thorough
- ✓ Application of Canadian *Patent Act* and *Rules* and CIPO practices is consistent between all examiners
- ✓ A comprehensive search of the prior art is conducted by a knowledgeable examiner
- ✓ Confidence in the expertise and knowledge of the examiner
- ✓ Correspondence received from the Office is easy to understand and free of errors



PATENT QUALITY INPUT

STAKEHOLDER INPUT

- **Consistency** and **accuracy** are more important than **timeliness**
- Confidence in examiner knowledge is key
- Improvement of online services is needed



PATENT QUALITY METRICS

MEASURING AND REPORTING ON PATENT QUALITY

Workshop part 3 - Publishable Metrics

Ultimate goal:

To create patent quality dashboards

- ✓ Determine **measurable** quality attributes
- ✓ **Stakeholder feedback**
 - From the list of 20 quality factors, pick 3 and identify metrics



PATENT QUALITY METRICS

MEASURING AND REPORTING ON PATENT QUALITY

- **Ensuring consistency:**
 - Training frequency
 - Customer survey/complaints review
 - Audit granted patents
 - Centralize review of QC
 - Standardize examiner reports



PATENT QUALITY METRICS

MEASURING AND REPORTING ON PATENT QUALITY

- **Ensuring error free grants:**
 - Compiling number of grant corrections
 - Tracking number of errors originating from applicant/office
 - Quality audit of granted patents
 - Number of certificates of correction issued per quarter
 - Number of re-examinations and reissues



PATENT QUALITY METRICS

MEASURING AND REPORTING ON PATENT QUALITY

- **Ensuring excellence in client service:**
 - Track number of applications filed through website vs. paper
 - Compile amount of times CIPO website malfunctions
 - Regular client surveys targeting work products

QUALITY SUMMIT FEEDBACK

SUMMIT – PARTICIPANT FEEDBACK

- Clients are more confident knowing that CIPO has a **robust QMS system** in place where we continually strive to improve our products
- Examiner interview service is a very positive initiative.
 - more frequent
 - include discussion of more substantive issues
 - Interview record content



CIPO PATENT QUALITY SUMMIT

SUMMARY OF KEY FINDINGS

- **2-way street:**
 - Quality is a shared responsibility between stakeholders and the office
 - Patent quality is influenced by the quality of the application
 - Clients are more confident knowing that CIPO has a robust QMS system in place
- **Timeliness:**
 - Quality, timeliness and cost are a balancing act
 - Consistency and accuracy are more important than timeliness
- **Examination:**
 - Interview service is a positive initiative
 - Confidence in examiner knowledge is key
- **Take action:**
 - Improvement of online services is needed
 - Sharing of information with stakeholders is appreciated



CIPO PATENT QUALITY SUMMIT

NEXT STEPS

- Develop Proposed **Quality Dashboards**
 - Dashboard Working Group launched October 2019
- Get **Feedback** on Proposed Quality Dashboards
 - Follow-up with stakeholders in 2020
- **Publish** Quality Dashboards



PATENT
QUALITY

Thank you!



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Questions?



PATENT QUALITY