Temburi
A.I. Legal Assistant

Reboot
Patent Prosecution™

Cost-Effective, High-Quality Information Disclosure Statements (IDS) Using Patent Automation Tools

Temburi is a leader in applying machine learning and process automation to patent prosecution. The company has a demonstrated track record of returning value to customers using automation and machine classification technologies. The company's customers include law firms, corporate departments, and individual practitioners. Customer-size ranges from small firms to Fortune 500s. The company is founded by a registered U.S. patent attorney with twenty years of experience. The company has 3 commercial tools: (1) Prior Art Manager – a prior art management system to reduce heterogeneity in citation and review of references based on Natural Language Processing (NLP); (2) Materializer™ - Machine classification of claims for identifying relevant prior art using machine learning algorithms, and (3) IDS Manager, a completely automated Information Disclosure Statement filing process that organizes, prepares, and uploads a complete IDS filing onto EFS-WEB in 1-click.

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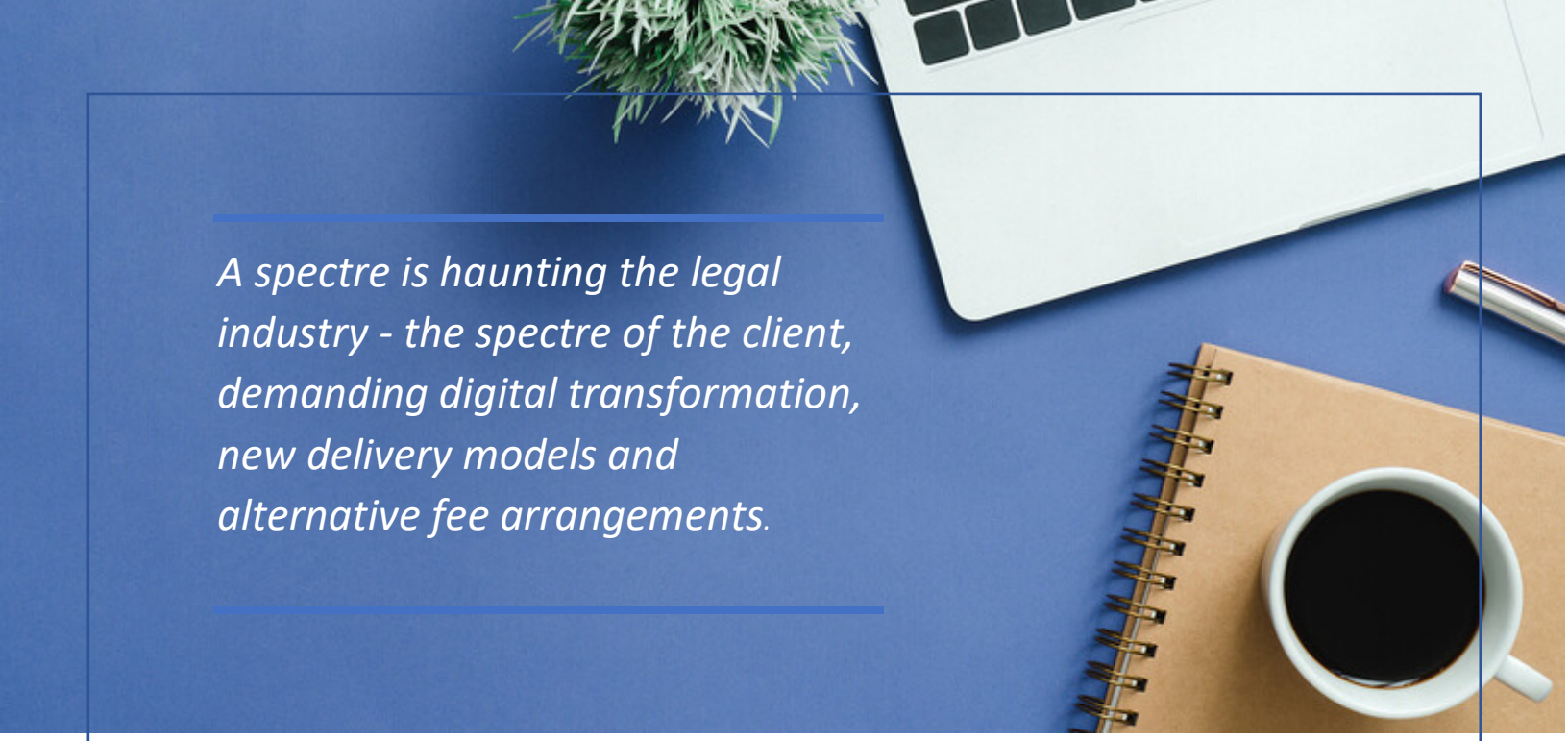


A spectre is haunting the legal industry - the spectre of the client, demanding digital transformation, new delivery models and alternative fee arrangements.

WHAT IS PATENT AUTOMATION?

Patent prosecution automation is a rules-based process that mimics human action such as a pre-defined workflow. The method is implemented by software and automates time-consuming and highly repetitive tasks such as filing an Information Disclosure Statement (IDS). For example, upon uploading a new prior art reference into an automated system, the automation can flag all related applications that might require an IDS and prepare the necessary documents for filing in the U.S. Patent Office. The system can then automatically flatten files and upload foreign documents and non-patent literature onto EFS-WEB, the U.S. Patent Office patent application and document submission solution. Finally, a registered patent practitioner or a sponsored delegate can then log into EFS-WEB, quickly review the uploaded documents, and submit.

FILING AN IDS – A RIPE USE CASE

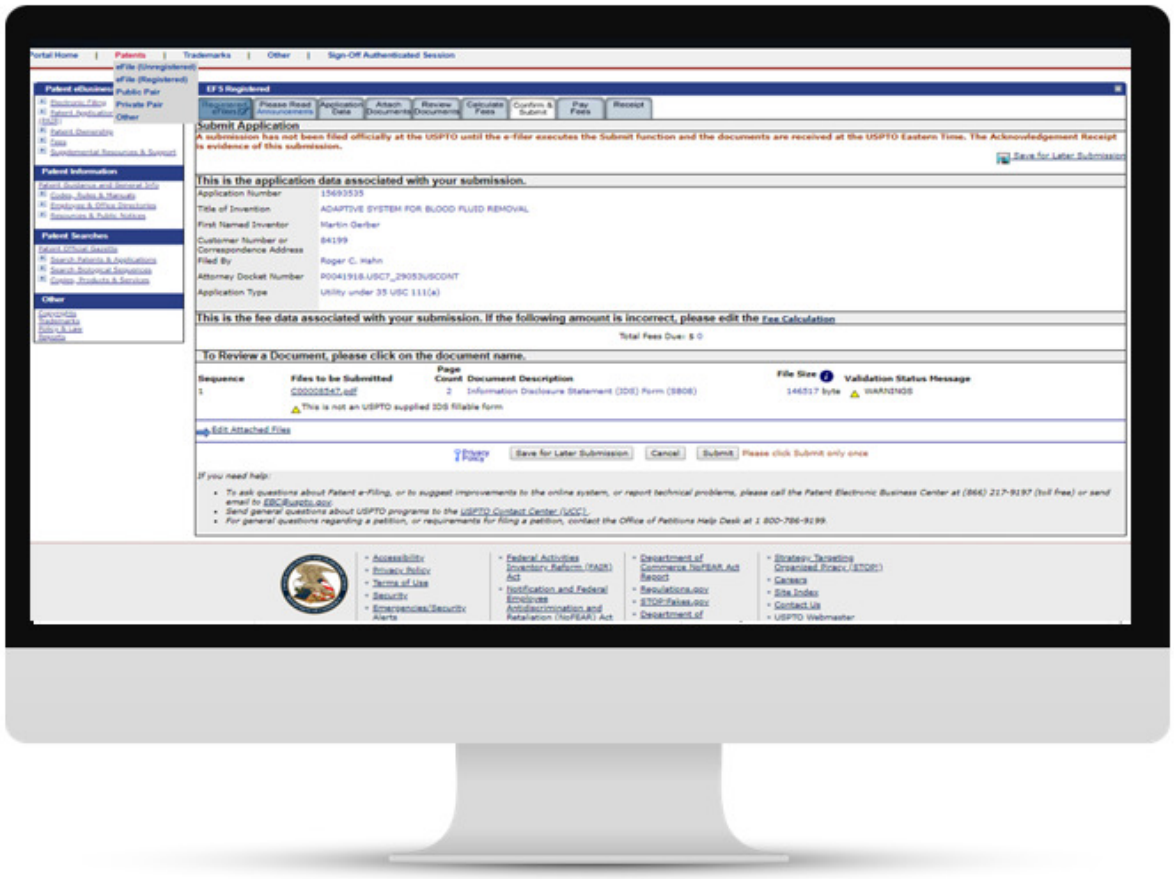
Filing an Information Disclosure Statement (IDS) is essential to ensuring validity and enforceability of a U.S. patent. By law, practitioners must cite prior art material to patentability as part of a duty of disclosure and good faith. Patents are presumed to be valid over a prior art reference that was cited and considered by the Patent Office during prosecution. Hence, one of the best ways to make a patent stronger is by citing prior art in an IDS. Conversely, prior art that was not cited in an IDS is commonly used to attack the validity of a patent.

However, preparing and filing an IDS is a time-consuming and repetitive task fraught with risk. The process first involves identifying prior art to be cited in a U.S. patent application. Once identified, material prior art must be cited in all related applications. Practitioners managing large patent estates that cover many products and features may accidentally miss prior art that should be cited in a particular application. Material prior art may also be discovered in related foreign applications during global prosecution. Those foreign references and non-patent literature must also be submitted as part of an IDS in all related applications. Keeping track of many references over many applications is challenging as a patent estate grows, shifts, or gets transferred. Prior art may also become material to patentability, as the scope of a patent claim changes via amendment during prosecution.

Preparing and keeping track of the necessary documents requires diligent tracking of documents, repetitive copying and pasting of bibliographic data, and detailed records of received correspondence. Finally, uploading all the documents must be performed one-by-one because a bulk uploader is not provided on EFS-WEB. For an IDS citing multiple references across multiple families, the IDS filing process balloons into a time-consuming and costly exercise.

FILING AN IDS IN 1-CLICK

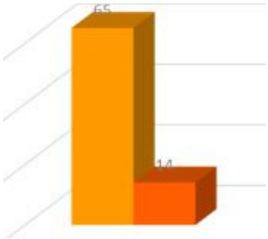
Given the clear need, we created a platform that tracks and identifies cited references in a group of related applications. The applications are grouped manually by a user. Optionally, a user groups applications and references using Natural Language Processing (NLP) algorithms. The management system reduces heterogeneity in citation because the references are organized by substantive content, i.e. claims. Our platform also automatically prepares all the necessary documents for submission, flattens the files, and uploads all documents into EFS-WEB in several seconds with 1-click.



TESTING IN A REAL-WORLD SETTING

The IDS automation was tested on a Fortune 500 patent estate containing over 500 patent applications. The testing occurred over a period of 18 months. The results were compelling.

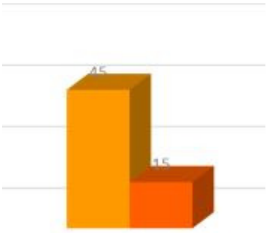
Key Findings #1



78% Savings in Time

Time to organize prior art, identify related applications, prepare form 1449, locate reference, and upload onto EFS-WEB was monitored. We observed that the average time for a complex IDS filing with 3 applications and 15 references went from 65 minutes down to 14 minutes.

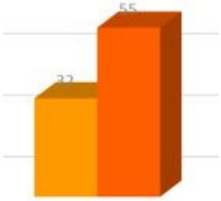
Key Findings #2



67% Cost Reduction

The price of an IDS dropped from $450 per filing to affixed fee cost of $150.

Key Findings #3



71% Productivity Gain

The average number of IDS filings jumped from 3.2 filings per day to 5.4 filings per day.

VISUAL DATA


78%
Price drop from $450 to $150
71%
TIME
COST
PRODUCTIVITY
65 minutes went down to 14 minutes
67%
From 3.2 filings to 5.4 filings per day

CONCLUSION

Patent prosecution automation is a rules-based process that automates time-consuming and highly repetitive tasks such as filing an Information Disclosure Statement (IDS). Automation frees up time and results in substantial cost savings and productivity gains.

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