

Andrew W. Torrance

Variation in Grounds of Rejection by Patent Office Art Units

Inventions drawn from different areas of technology might be expected to receive differential treatment within a patent office. As in other countries, examination procedure in the United States Patent and Trademark Office ("USPTO") assigns specific statutory grounds to rejections of patent claims. These grounds for rejection are drawn from the Patent Act, particularly sections 101, 102, 103, and 112. Accurate data about how the USPTO applies grounds for rejection to different technologies has been scarce outside the USPTO. This study presents differences in how statutory grounds for rejection are applied across USPTO "Art Units", which are composed of teams of examiners responsible for examining patent applications focused on specific clusters of technologies.