

DQA cases 2022

DQA search audit Q3-2022 (summary)

- Weighted, arithmetic compliance rate of **82,8%** for audits closed during the 12-months period from Q4/21 to Q3 2022
 - Confidence interval **+2.5%/-2.5%**
 - **909 files** audited (including 19 files under the "old" search audit scheme, all compliant)
- Main finding (AC5 = invalid objection) is related to an incorrect assessment of novelty and inventive step in the written opinion, both in the independent and the dependent claims
- Agreement rate auditors-examiners, 12-months: 98,8%



DQA search audit: Percentage of compliant files

DQA search audit: Compliance in DG1

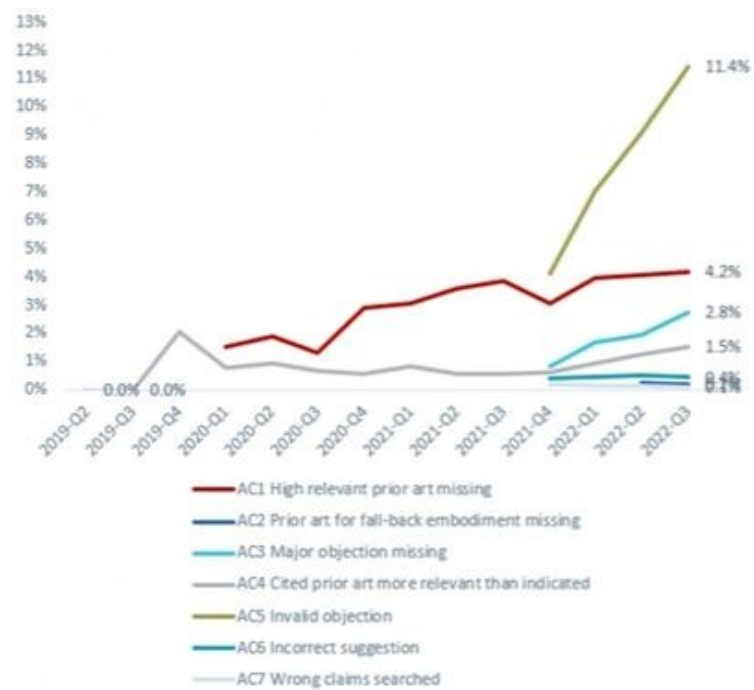


- Compliance Rate
- Confidence Interval (2022-Q3 = +/-2.5%)
- Target (2022-Q3 = 85%)
- Excellence (2022-Q3 = 90%)

Categories

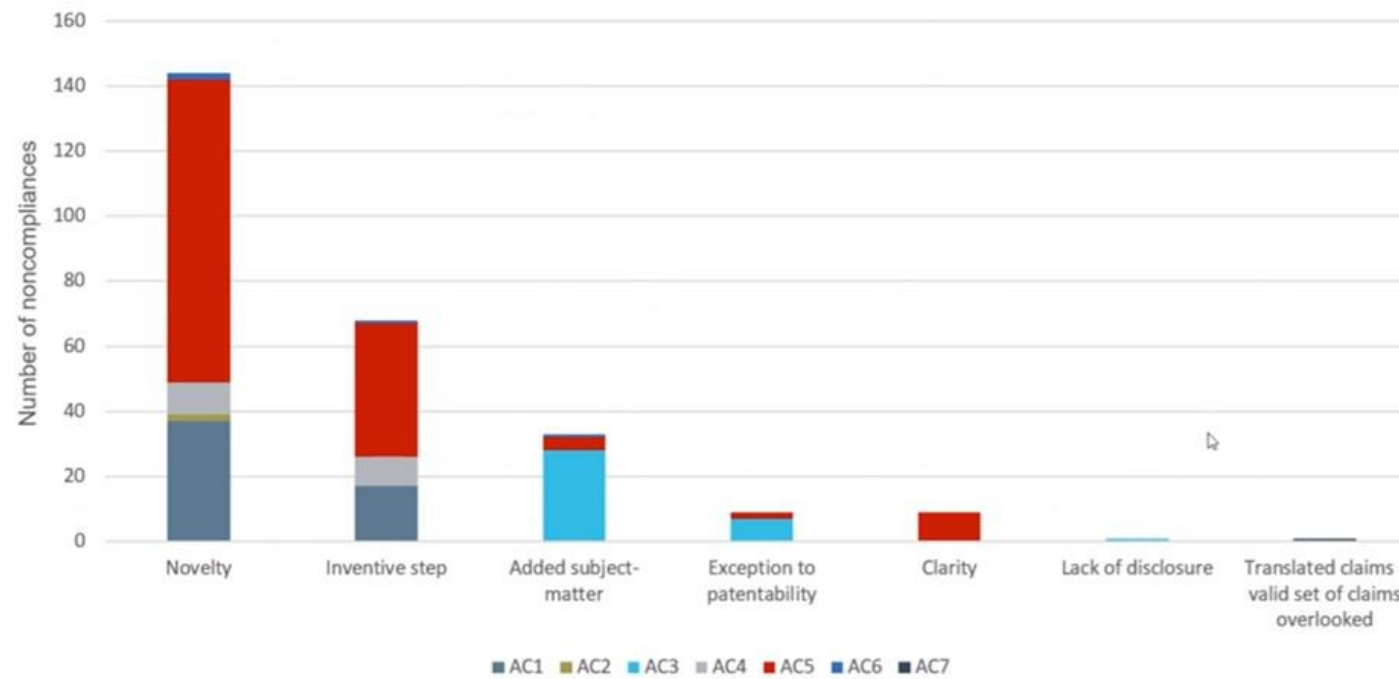
- AC1: highly relevant prior art missing
- AC2: Prior art fall-back embodiment
- AC3: Major objection missing
- AC4: Cited prior art more relevant than indicated
- AC5: Invalid objection
- AC6: Incorrect suggestion
- AC7: Wrong claims searched

Percentage of a files with a particular deficiency

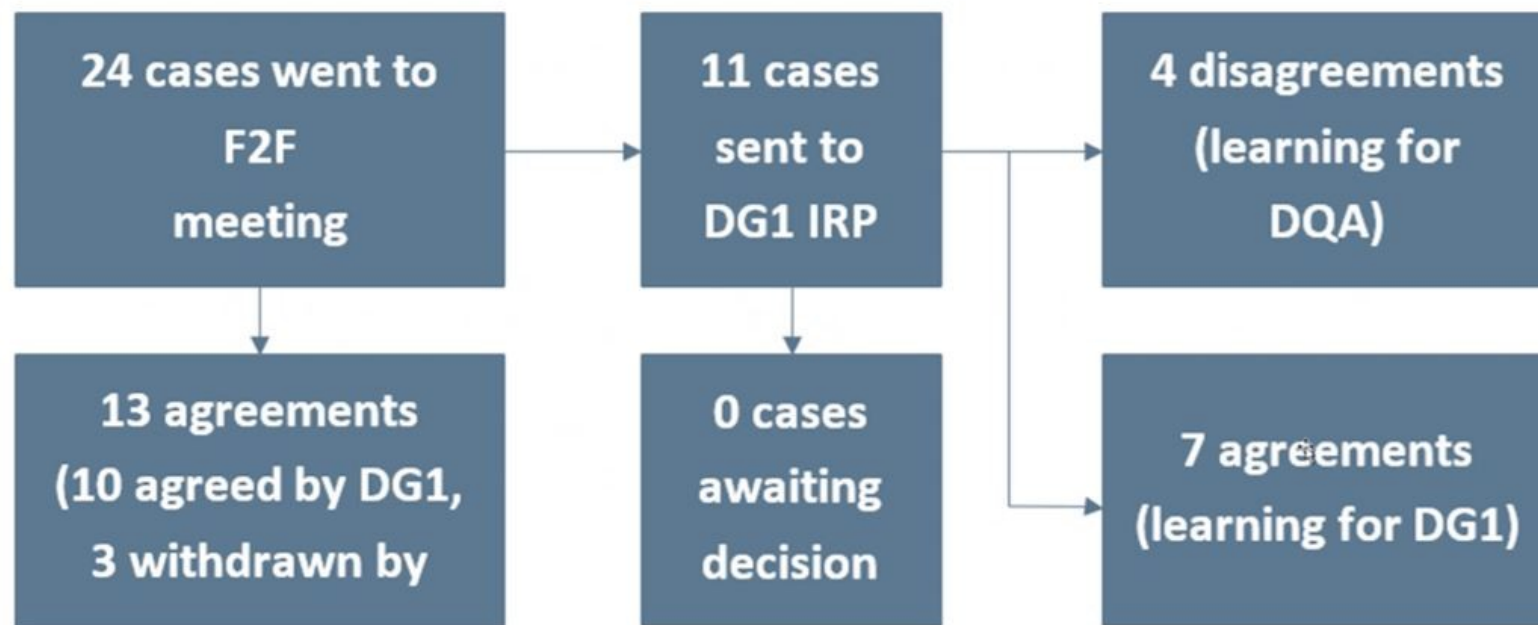


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Distribution of noncompliances according to legal basis



Dialogue between DG1 and DQA (Q4-2021 – Q3-2022)

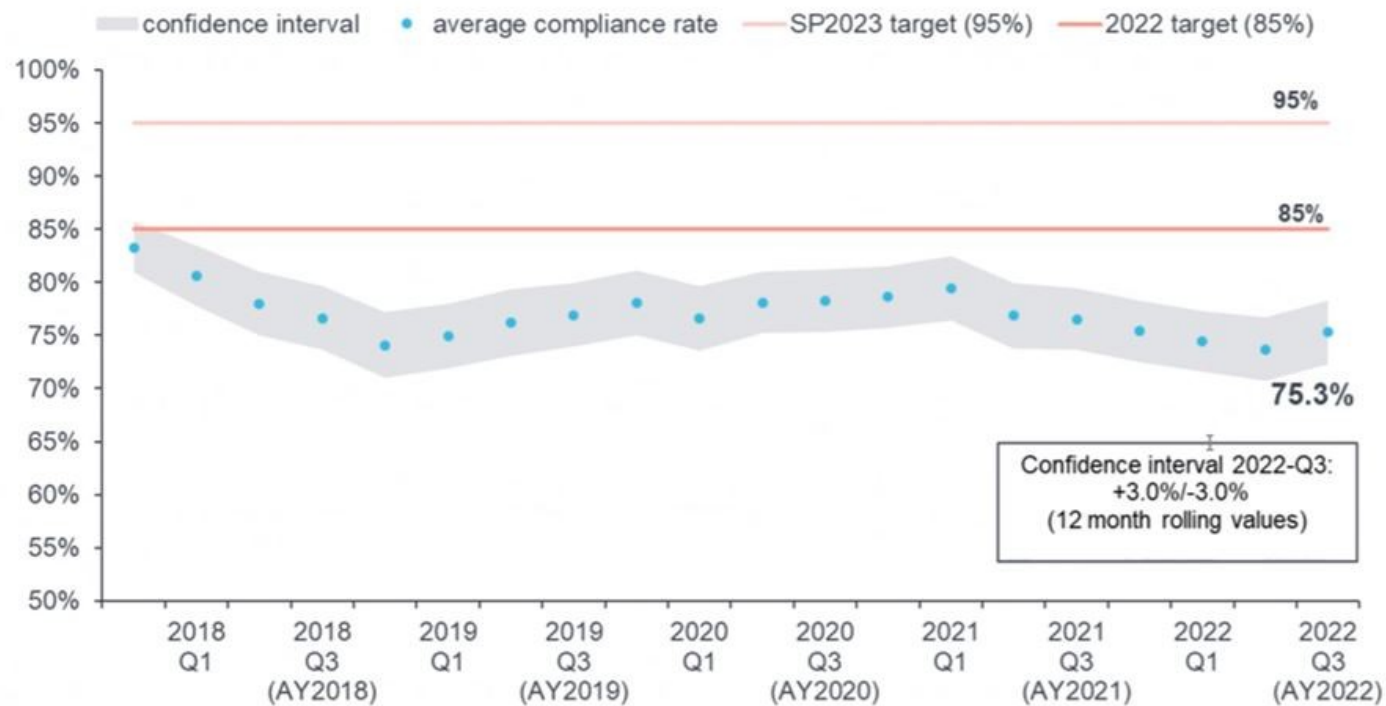


DQA grant audit Q3-2022 (summary)

- Midpoint of all **closed** audits now **75.3%** arithmetically (compare midpoint Q3-2021 76.5%), *confidence interval of +3.0/-3.0% means overall **stable outcome**, although below KPI*
- Agreement rate with divisions over 12 months at 95.5% (down from 96.1% (Q3-2021) in the preceding reporting period)
- Disagreement with divisions on 35 cases (out of 785 audited files 12 months)
- Agreement rate with divisions in Q3-2022 at 97.1%

I

DQA grant audit: Percentage of compliant files in DG1

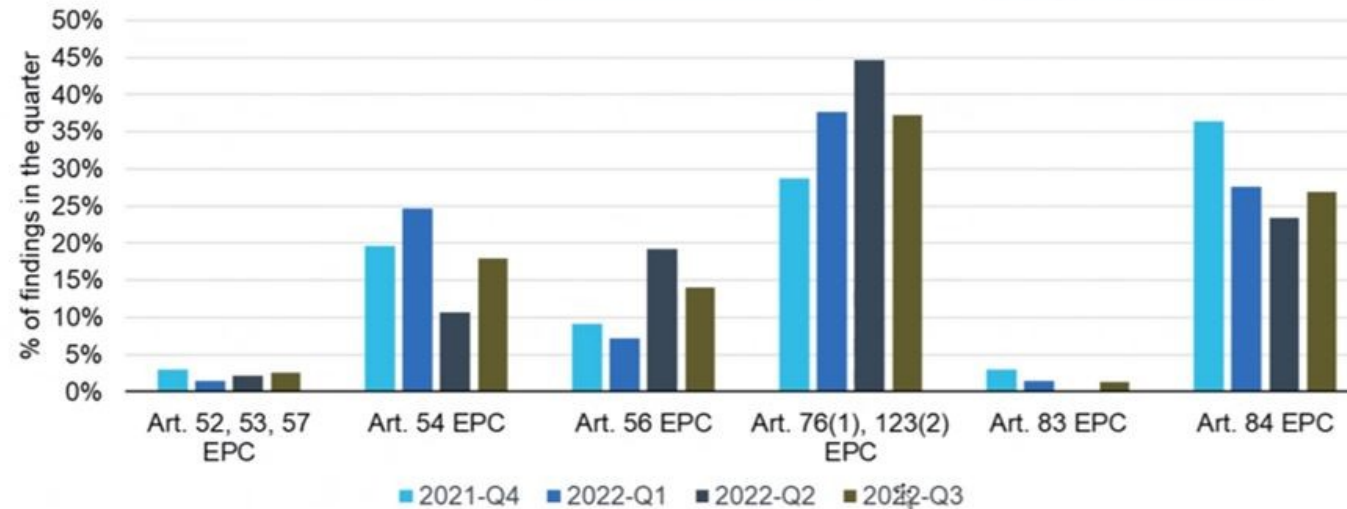


DQA grant audit: Findings in Q4-2021 to Q3-2022

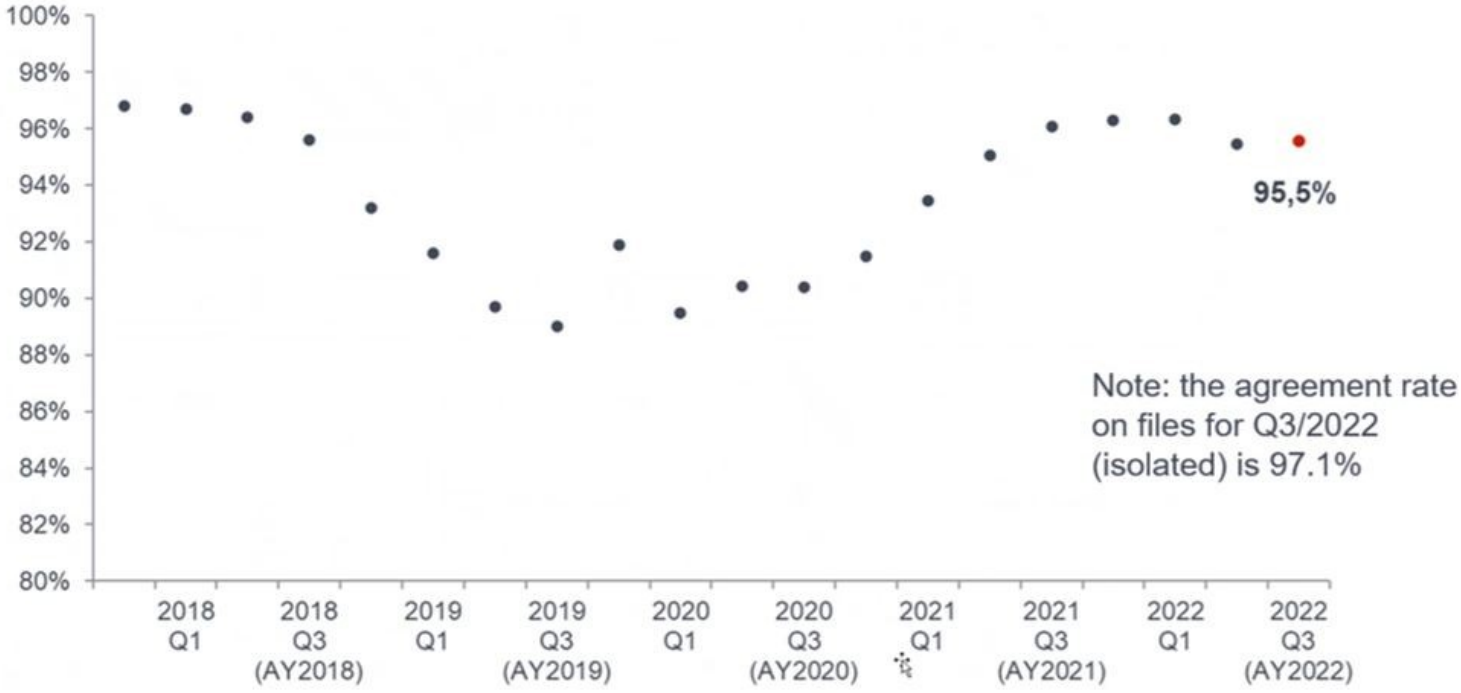
Note: possible to have more than one finding per file

Number of findings:
 2021-Q4: 66
 2022-Q1: 69
 2022-Q2: 47
 2022-Q3: 78

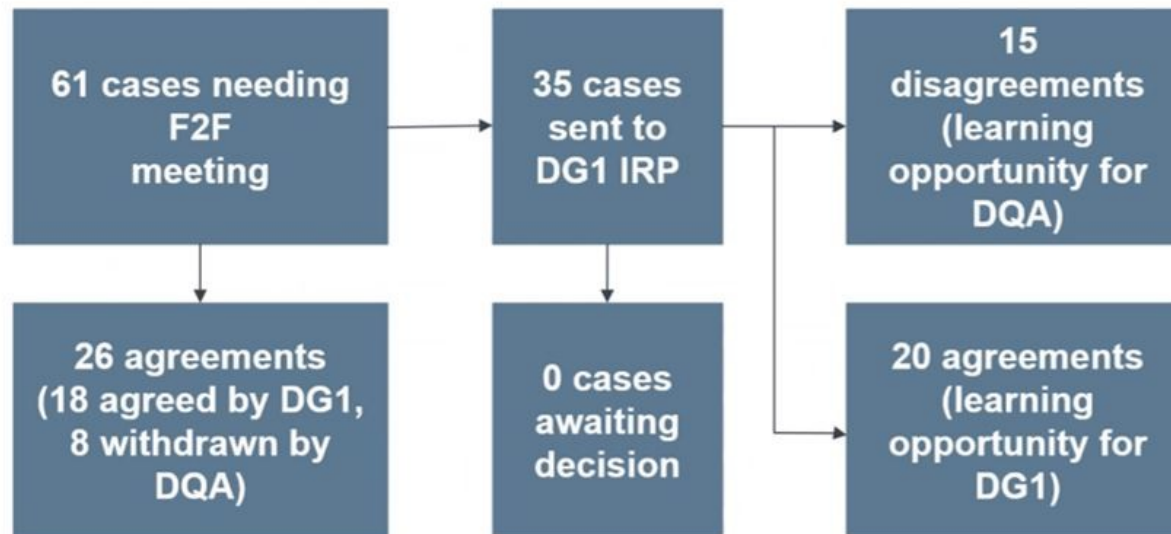
Number of audits:
 2021-Q4: 205
 2022-Q1: 193
 2022-Q2: 147
 2022-Q3: 240



DQA grant audit: Total agreement DQA-DG1 examining divisions (files; 12 months rolling)



DQA grant audit: Maintaining a high agreement rate through dialogue (Q4-2021 – Q3-2022)



- Agreement rate DQA-EDs remaining stable at a high level
- Agreement rate by DG1 IRPs decreasing

Results

- What was found for our sector?
 - Article 123(2) issues
 - Article 84 issues
 - Novelty objections missed
- No real trends
 - Most easily avoidable
- Why?
 - Not enough time spent or wrongly spent?
 - New ways of working

Key messages - How to stop the '*easily avoidable*' non-compliances?

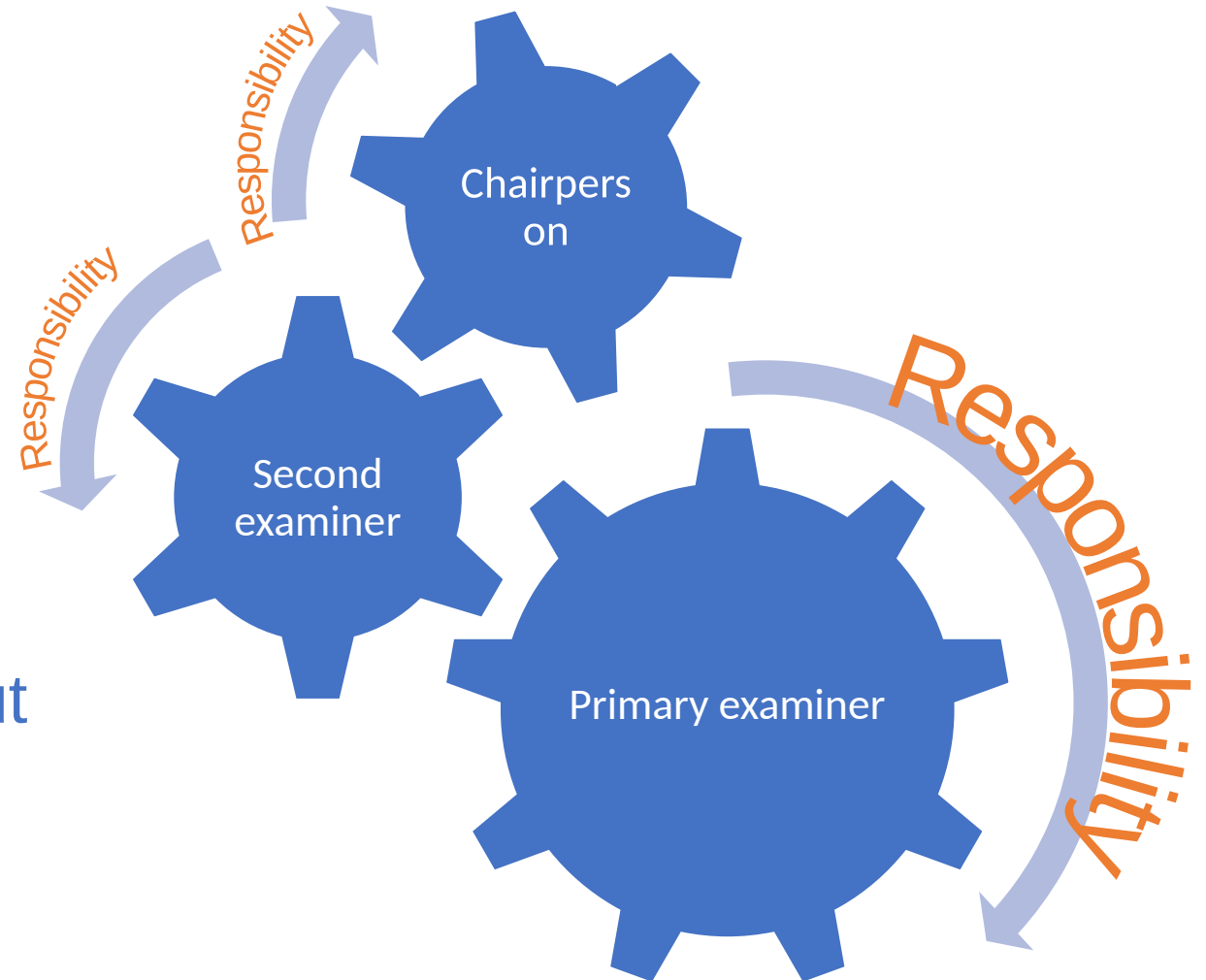
- 1) 8 eyes principle (1st, 2nd, CH, TM) with clear responsibilities to be taken seriously
- 2) really 'read' the claims through (also CH & TM!) and understand it with the mind of a technically/legally skilled person -> Art. 54, 56, 83, 84
- 3) incomplete/suspicious Votum to be returned to / to be discussed with 1st (task of 2nd, CH, TM)
- 4) 1st/CH/TM: retrace amended features in original version (e.g. 123-check, JViewer- or ANSERA-highlights) -> Art. 123(2) and Art. 76(1)
What, where and why
- 5) Be careful with Art. 84 objections □ can lead to Art. 123(2) problems

Back to Basics Examining Division: all members contribute positively to quality

With thanks to Andrea Bork (TM/1010)

First examiner: Propose decision

- Perform top-up search
- If helpful, discuss proposal with chairperson in advance
- Explain why the requirements for grant are fulfilled
- Include in the votum all the information needed for the division to validate grant, without duplication of work
- Adaptation of the description –by applicant or examiner

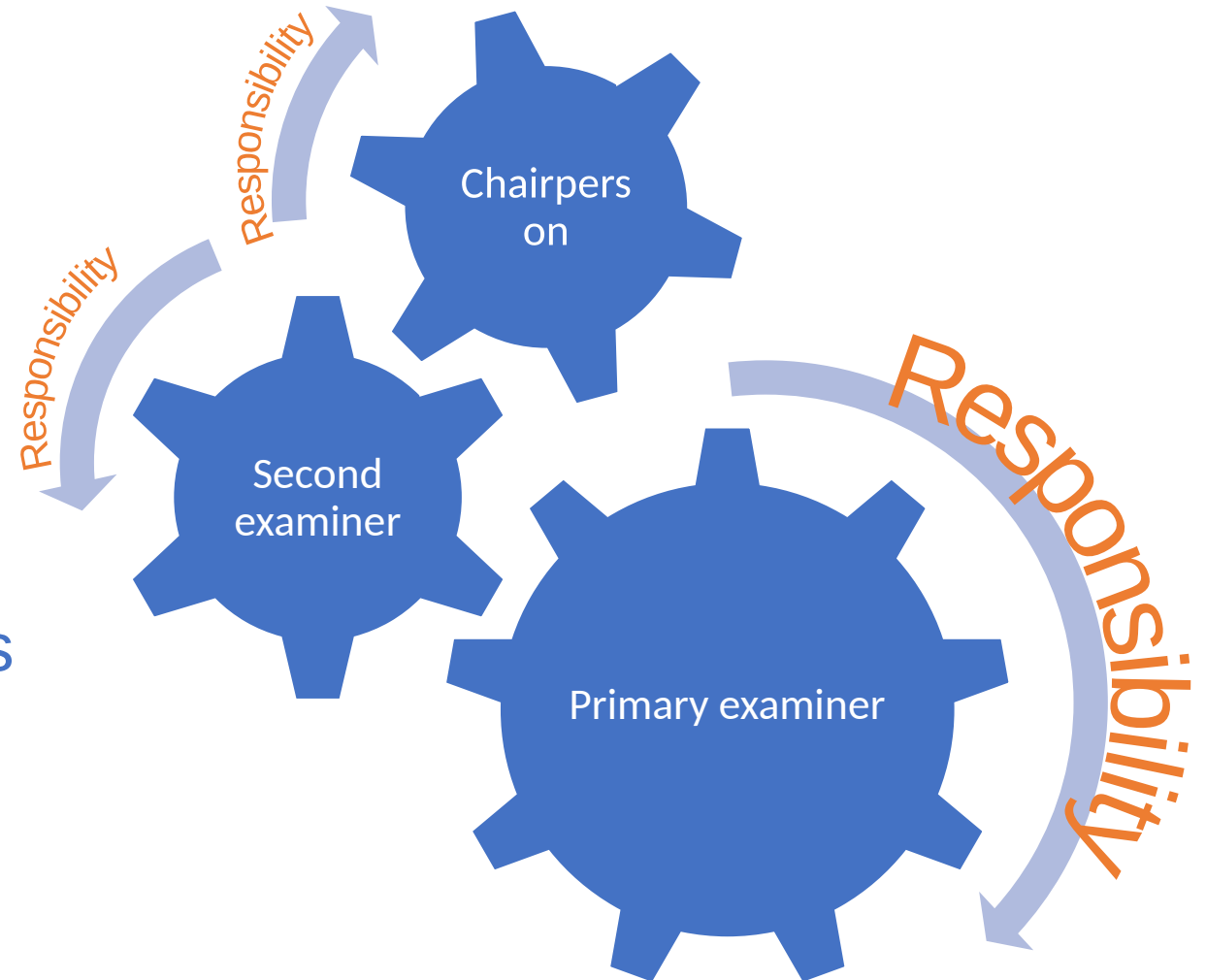


Back to Basics Examining Division: all members contribute positively to quality

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Second examiner: Formal checks

- Formal correctness of eDREX working copy
 - page breaks, transitions
 - typographical / linguistic correctness of examiner amendments (*adaptation of description etc.*)
 - claim numbering/dependencies
- Correctness of Form 2035
 - Does it match with eDREX?
 - etc.



Back to Basics Examining Division: all members contribute positively to quality

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Chairperson: Final review

- Read the claims
 - Are they **clear**, plausible?
- Read the votum
 - Prior art cited, novelty OK?
 - Explanation of **why** it's inventive?
 - **Amendments** identified and precise basis indicated?
 - Intermediate generalisation identified and justified?
- Validate decision

