

AI Will Transform Patent Examination for the Better

WRITTEN BY

[John A. Morrisett](#) | [Scott Bergeson](#) | [Aaron E. Johnston](#)

Faster office actions, improved prior art searches and a more consistent application of the law — these will be hallmarks of the future of patent examination at the U.S. Patent and Trademark Office, due to increased use of artificial intelligence.

While currently aimed at augmenting the tools available to patent examiners, the USPTO is developing more advanced AI systems to help examiners deal with the growth in patent filings and the complexity of modern inventions.

In recent years, the USPTO has introduced several tools to aid with classification and prior art searching. Specifically, the USPTO's Search AI tool includes "Similarity Search," which enables examiners to locate documents similar to a patent application by leveraging AI algorithms to sift through millions of domestic and foreign patents and publications.

Recently, the USPTO also introduced DesignVision, an image-based search tool that allows patent examiners to search for visually similar designs across more than 80 global databases using image inputs, which improves the identification of relevant prior art for design patents.

The USPTO is also developing SCOUT, a generative AI platform designed to assist examiners with analytical and drafting tasks, including reviewing incoming documents, suggesting corrections and navigating the Manual of Patent Examining Procedure.

As a result, the USPTO is setting the stage for significant changes in how patent prosecution unfolds. Applicants and patent practitioners should consider new and evolving strategies to overcome AI-enhanced patent examination, particularly by taking a proactive approach when drafting new applications.

This article extrapolates the impacts of AI on patent examination processes across several critical categories. Applicants and patent practitioners should pay close attention, as these developments may significantly change prosecution strategy in the future.

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