

Death squad or quality improvement? The impact of introducing post-grant review on U.S. patent quality

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Abstract ID: 299

Inviato: 09/04/2024

Evento: XXII Workshop Annuale SIEPI

Argomento: 6. Innovazione, cambiamenti tecnologici e politiche connesse

Parole chiave: patent scope, policy evaluation, post-grant reviews

We study how the applicants and examiners have changed their behaviour at the U.S. Patent and Trademark Office because of the introduction of post-grant review procedures with the America Invents Act. The reform may lead patent drafters to narrow the scope of patents to reduce the risk of facing post-grant reviews. To test this prediction, we apply standard DID analysis and find that applicants become more prone to narrow the scope of the patent, thus reducing U.S. patent challenges and allowing yearly savings between 62 and 148 million of dollars. Instead, the disciplinary effect on examiners is limited to a few technologies and applications filed by foreigners.