36TH TRILATERAL CONFERENCE
MEETING OF TRILATERAL HEADS OF
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INDUSTRY

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REPORT ON UTILIZATION OF AI

TRANSFORMATIVE TECHNOLOGY

- Industry is currently utilizing AI to assist in its IP related activities

- As AI develops increasingly sophisticated capabilities:
  - ➢ It should provide further advantages for innovators and IP offices both with respect to efficiency and patent quality
  - ➢ The potential capabilities are expansive, but limited by those tasks that still require human judgment
  - ➢ Efficiency will likely be improved if the AI tools used by the IP offices are transparent, shared with applicants, and harmonized

AI FOR TRANSLATION

- Machine translation tools are offered by a number of larger patent offices and used by practitioners who file in multiple jurisdictions

- Presently, it appears that machine translations are not often cited by patent examiners

- It would be of benefit to the applicants if mention is made in office actions when machine translation is used, to assist them in evaluating how best to respond

- As the quality of machine translation improves, practitioners expect offices to increase their use of machine translation tools in patent examination

- Patent practice will be most effective and efficient for all if such tools are made available to practitioners as they are adopted by offices

AI FOR PATENT SEARCHING

- Patent prosecution will be affected by the development of AI for both examiners and practitioners

- Database producers have worked hard over the years to improve searching, using natural language searching, semantic searching, and big data

- AI will become more significant to searching over time

- Patent practitioners expect patent offices to adopt increasingly sophisticated search tools

- Patent practice on both sides will be most effective and efficient for all if such tools are made available to practitioners as they are adopted by offices

AI FOR PATENT APPLICATION DRAFTING

- Programs are available to assist in patent application drafting

- These programs can, for example, compare the claims to the specification, match the text, and indicate if there is a lack of antecedent basis and if terms are used inconsistently

- These tools are also likely to continue to improve over time

- Issues involving human judgment, such as enablement and the proper scope of a patent, are likely to be limitations on the ability of AI to assist in patent drafting, at least for the foreseeable future

AI IN PATENT EXAMINATION

- Practitioners expect AI tools to develop, in the intermediate term, that have claim examination capabilities

- Such tools will likely be able to map claim elements to textual and/or graphical disclosures in prior art

- Such tools may include the capability to output machine-generated legal conclusions

- Human judgment is still expected to be needed to confirm or modify such conclusions and to explain them

FOR MORE INFORMATION:

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