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AI/ET

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Artificial Intelligence and its impact on the USPTO and Patents

Key takeaways and recommendations

- Artificial Intelligence continues to grow in terms of technology, capability and applicability across fields in the United States. As the agency of invention and innovation, the PPAC recommends the USPTO continue to explore, utilize and advance AI as it relates to being **a facilitator of invention**, the **subject matter of invention**, and a **propelling tool for the USPTO enterprise effectiveness**.
- While statute, case law, and guidance provide that invention remains a human activity, nevertheless, the PPAC encourages the USPTO to continue to **examine and dissect how AI, as it evolves, may foster invention**.



AI key takeaways and recommendations cont.

- The PPAC congratulates the AI/ET working group for issuing the guidance on “Patent Subject Matter Eligibility, Including Artificial Intelligence,” addressing a technical and intricate area. The PPAC agrees that this type of **clarification of potentially patentable matters** which are complex, operating on the edge between what may be considered the concrete versus abstract, **should continue to be pursued for additional clarification.** While many examples are provided in the issued guidance and referenced to additional sources, the PPAC encourages the USPTO to continue to develop a range of examples.
- The PPAC recommends the USPTO to continue to **issue and refine guidance documents as nuances of artificial intelligence mechanisms, algorithms and operation** continue to be revealed.
- Investing in **continued training of the USPTO personnel** - from examiner to staff to administrator - is essential to ensure continued issuance and stewardship of optimal, robust, quality patents, in an increasingly complex interdisciplinary technical area, while facilitating organizational efficiency and effectiveness.



