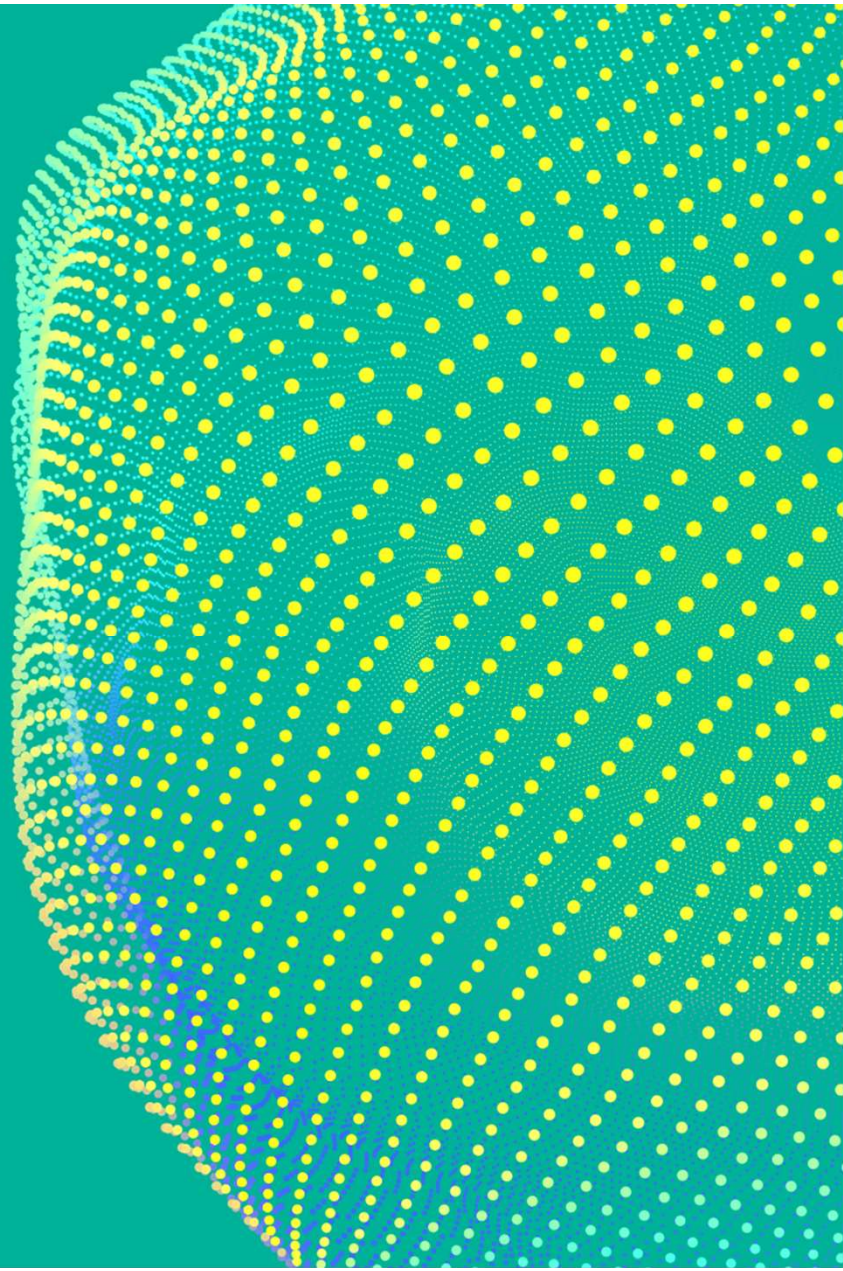# Patent Prosecution with AI: Opportunities and Challenges

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Why AI in Patent Prosecution?

- Economic conditions, budget constraints

- AI advancements

- Client expectations and benefits

- Focus on efficiency, cost savings, and client satisfaction

- Potential to free up support staffs from repetitive manual work

- Potential to free up patent practitioners to do more strategic work

Addressing Client Expectations

- Importance of transparency in AI utilisation

- Client expectations and preferences on the use of AI tools

- Rules of professional conduct

Realistic Understanding of AI Capabilities

- What can AI really(?) to do for us?

    - Draft patent applications in 5 minutes! WOW!

    - Prepare responses to OA in 3 minutes! AMAZING!

    - Prepare an advisory note to a client in 1 minute! LOVE IT!

AI in Patent Prosecution (1)

- Automation and Routine tasks

  - Automate laborious manual tasks

  - Fetch data from relevant database

  - Identify sections in related art cited by Examiners

  - Look up parallel patent applications in other jurisdictions

  - Provide a structural framework for response

AI in Patent Prosecution (2)

- Intelligent tasks:

  - Perform claim features analysis and assist in claims explanation

  - Interrogate prior art against a claim

  - Compare a patent claim with prior art passages – identify what's relevant and what's not

  - Write a novelty argument

Other Uses

- Prior Art search – currently offered by many service providers

- FTO Analysis

  - Accelerating early-stage assessment

  - Traffic light analysis

  - Initial risk identification

Limitations

- Inaccuracy in identifying specific features

- Lacks the subjectivity and contextual understanding

- Inventive step – for example: Problem and Solution approach

- Combining teachings of multiple documents

- Lacks the legal and technical expertise of a patent attorney

- Unable to perform strategic tasks

- Output depends on input

Can AI Replace Us?

- Depends…
- Cannot prevent the arrival of AI
- Patent practitioners need to be aware (and have an understanding) of how AI can help and deploy in their workflow
- Need to adapt and work with AI tools, otherwise we will be replaced
- Human and AI interactions
  - Train AI tools to perform specific task to improve performance and trust
- Need measures that control and manage the risks associated with AI systems

Can AI Replace Us?

- Successful integration of AI requires a concerted effort in training and educating legal professionals, including trainees and paralegals

- Need to understand the capabilities and limitations

- General reluctance to deploy due to concerns about liability risk, reliability and client confidentiality

- Requires more certainty on regulating AI implementations

Thank you for listening

For further enquiries, please contact me at dchew@hlk-ip.com

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