



FOR IP LITIGATION PARTNERS, SENIOR ASSOCIATES, AND INNOVATION LEADS

Before You Trust AI in Patent Litigation

The verification standard for AI-assisted work product:
what to ask, what to look for, and what to require.

Inside: A practitioner's framework for evaluating AI-assisted patent work, including regulatory context, vendor diligence questions, citation-backed analysis, and verification workflows for litigation use cases.

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The Stakes

AI in patent practice is no longer evaluated only on how quickly it can produce work product. What matters increasingly is whether that work product is transparent, verifiable, and defensible—whether practitioners can understand how an output was generated, validate the underlying support, and rely on it with confidence.

The Regulatory Landscape

USPTO GUIDANCE

February 2024 – USPTO Guidance on AI-Assisted Practice

The USPTO issued guidance addressing the use of AI in matters before the Office, emphasizing that practitioners remain responsible for compliance with their duties of candor, good faith, and reasonable inquiry, regardless of whether AI tools are used.

June 2025 – Request for Information on Automated Patent Solutions

The USPTO sought public input on the role of automated tools and artificial intelligence in patent examination and related workflows, signaling continued exploration of AI-enabled processes within the patent system.

October 2025 – AI Search Automated Pilot Program

The USPTO launched its AI Search Automated Pilot Program, testing AI-assisted prior art search capabilities as part of its broader effort to evaluate how artificial intelligence can enhance patent examination efficiency and quality.

Taken together, these developments point in the same direction: AI is becoming increasingly integrated into patent practice, but accountability remains with the practitioner. As adoption grows, transparency, traceability, and human oversight will continue to be essential.

Empirical Evidence

A 2025 study by the **University of Minnesota** and the **University of Michigan** found that AI tools significantly improved the quality of legal work across complex legal reasoning tasks while delivering efficiency gains of **38% to 140%**. Importantly, the study also underscores a critical point for practitioners: AI performs best as an augmentation tool, not a substitute for professional judgment. Human review remains essential to validate, refine, and ultimately stand behind the work product.

Attorney Judgment Matters

Responsible adoption of AI is not resistance to innovation. In patent practice, it means ensuring that outputs are accurate, supported, and appropriately reviewed before they are used in prosecution, portfolio strategy, or litigation.

Patlytics Adoption and Data Coverage

55%

of Am Law 100 firms
use Patlytics

67%

of Chambers Band 1 and 2
ranked IP firms use Patlytics

130M+

patents and patent publications
across 7 jurisdictions

400M+

NPL from
250,000+ sources

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10 Questions Patent Practitioners Should Ask Any AI Vendor

- 1. Does it analyze claims at the limitation level?**
Look for limitation-by-limitation mappings supported by citations to the underlying evidence. High-level summaries are rarely sufficient for infringement, invalidity, or clearance work.
- 2. Does it go beyond keyword matching?**
Patent analysis often requires identifying technical overlap despite different terminology. Look for semantic and concept-based analysis, not just keyword search.
- 3. How does it prevent hallucinations and unsupported conclusions?**
Look for outputs grounded in source documents, with citations that can be verified and reasoning that can be independently reviewed.
- 4. What data sources does it analyze?**
The platform should support the sources patent practitioners routinely rely on, including patents and published patent applications, non-patent literature, standards documents, product documentation, prosecution histories, and matter-specific uploads.
- 5. Does it support end-to-end patent workflows?**
Patent work is iterative. Look for workflows that preserve claim constructions, assumptions, prior analyses, and work product across multiple workflows rather than treating each analysis in isolation.
- 6. Can claim constructions be applied consistently across matters?**
Look for the ability to define, revise, and reuse claim constructions across infringement, invalidity, freedom-to-operate, and claim-charting workflows.
- 7. How does it address security and client confidentiality?**
Evaluate certifications, encryption practices, access controls, data segregation, retention policies, and model-training policies. The handling of client data should be clear.
- 8. Is the same AI model used for every task?**
Patent workflows involve different types of analysis. Look for model selection rather than a one-size-fits-all approach.
- 9. Can the platform explain its conclusions?**
Practitioners need to validate and defend their analyses. Look for transparent reasoning, source citations, and conclusions that can be traced back to the underlying evidence.
- 10. Does it provide matter-level governance and reporting?**
Look for matter-based organization, usage tracking, collaboration controls, and reporting features that align with law firm and corporate IP workflows.

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What “Citation-Backed” Actually Means

A citation-backed answer means more than identifying a document. In patent practice, the reviewer should be able to trace each material proposition to the specific source and supporting passage, evaluate it in context, and determine whether it supports the relevant claim limitation, legal position, or technical conclusion.

TIER 1: GENERAL-PURPOSE AI

Plausible Analysis Without Verifiable Support

General-purpose LLM may generate coherent analysis. However, the output is not necessarily tied to underlying evidence. Assertions are typically not linked to the specification, prosecution history, prior art references, product documentation, standards materials, or other relevant sources.

As a result, practitioners often cannot determine which source supports a particular assertion, whether a claim element is actually disclosed, or whether a cited conclusion accurately reflects the underlying materials.

Before relying on the output, counsel must independently locate, review, and validate the supporting evidence.

TIER 2: GENERAL LEGAL AI

Citations Without Patent-Specific Traceability

Some legal AI tools provide citations, links, or references to source documents. While that is a meaningful step forward, a citation alone does not necessarily show how the evidence supports the conclusion.

In patent matters, practitioners often need more than a reference to an entire document. They need to identify the specific passage being relied upon, understand its context, and evaluate how it relates to a particular claim limitation, claim construction, invalidity position, infringement theory, or prosecution-history issue.

TIER 3: PATENT-SPECIFIC, TRACEABLE WORKFLOWS

Evidence-Linked Work Product for Attorney Review

Patent-specific workflows can connect material propositions to identified sources and, where appropriate, the specific passages supporting the analysis.

The reviewer can move from claim language to supporting evidence, inspect the cited excerpt in context, evaluate the correspondence, and apply attorney judgment where necessary.

The objective is not to eliminate attorney review. The objective is to make attorney review more efficient, transparent, and easier to validate.

Patlytics Verification Architecture

99%+

text excerpt accuracy

Quoted text matches the source

~99%

deterministic citation matching

Citations resolve to the passage relied upon

90%+

inference quality IP-expert validated

Inferences evaluated by professionals

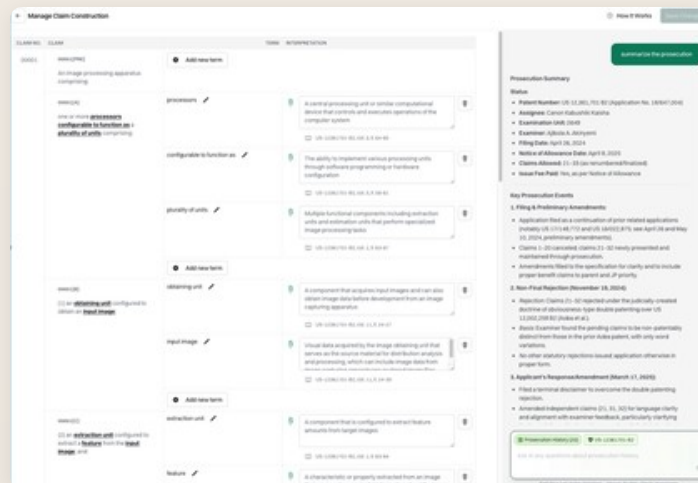
99%+

response structure integrity

Preserves claim, citation, source relationships

Transparent reasoning matters because patent analysis turns on the relationship between claim language, construction, and supporting evidence. The work product should show which sources were considered, why particular passages were selected, how those passages map to the issue presented, and what assumptions affected the result.

In Patlytics, **Thinking Steps** expose that reasoning path: how the platform parsed claim language, prioritized evidence, linked disclosures to limitations, and identified assumptions. Those steps do not replace attorney review. They give the attorney a record to test, correct, and decide whether the analysis is supportable.



Example of citation-backed workflow review in Patlytics.

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Verification in Practice

How a verification standard should operate across common patent litigation workflows.

Prior Art Search	VERIFY Why the reference was identified, where the relevant disclosure appears, and whether it addresses the claim elements at issue.	CHECK Review the cited disclosure in context and determine whether the reference merits deeper investigation.
Claim Charting	VERIFY Each claim limitation is linked to supporting source text with sufficient context to evaluate the proposed mapping.	CHECK Assess whether the mapping and underlying interpretation are reasonable.
Claim Construction	VERIFY The applied construction is transparent, consistently used, and supported by the intrinsic record where appropriate.	CHECK Evaluate the specification and prosecution history for language or events that may affect claim scope, including amendments, disclaimer, estoppel, and applicant statements.
Contention Charts	VERIFY Each assertion is supported by cited evidence that corresponds to the relevant claim limitation.	CHECK Independently assess the strength of the proposed read. Match, Partial, and None indicators can help prioritize review, but they are not legal conclusions.

SECURITY AND DATA GOVERNANCE

Patent matters often involve highly sensitive information, including confidential technical materials, non-public business strategy, protective-order materials, and attorney work product. As a result, data governance should be evaluated with the same rigor as analytical capabilities.

Key considerations include security certifications, encryption practices, data segregation, retention policies, access controls, and whether customer data is used to train AI models.

Patlytics maintains **SOC 2 Type II, ISO 27001, and ISO 42001** certifications, follows GDPR-aligned controls, does not train on customer data, segregates customer data, encrypts data in transit and at rest, and applies zero-day retention to LLM-processed data.

PRACTITIONER REVIEW AND DOMAIN EXPERTISE

Technology alone is not enough. The effectiveness of an AI platform also depends on whether the workflows are designed and refined by professionals who understand patent practice.

Patent practitioners evaluate claim scope, prior art, infringement positions, prosecution history, and litigation work product through a specialized legal and technical lens. AI workflows should reflect that reality.

Patlytics' team includes nearly 10 IP attorneys with an average of 14 years of experience at leading law firms. The platform is continually refined through collaboration with Am Law 100 firms, Fortune 500 companies, and other patent professionals actively using the technology in practice.

"Putting attorney judgment first and letting targeted automation handle the grunt work helps us move faster without lowering our standards."

Rivian Legal



Evaluate it against a matter you know.

The most effective evaluation is performed on facts you already know well—claims you have analyzed, products you have reviewed, or prior art you have studied.

When reviewing the output, focus less on whether the platform reaches a particular conclusion and more on whether you can understand how it reached that conclusion, inspect the supporting evidence, and efficiently apply your own judgment.

Infringement Analysis

Select claims and accused products you already understand. Review limitation-by-limitation claim charts, supporting evidence-of-use citations, claim constructions, and read-strength assessments.

The key question is not whether the platform can generate a claim chart. The key question is whether you can quickly determine why each limitation was mapped, inspect the underlying evidence, evaluate the proposed construction, and refine the analysis while maintaining a clear connection to the supporting record.

Invalidity Analysis

Run prior art searches across patent and non-patent literature and review potential §§ 102, 103, and 112 issues at both the claim and limitation level. For obviousness analyses, examine proposed reference combinations and rationales as potential starting points for attorney review.

A useful workflow should make it easier to compare claim language against the prior art, identify the disclosures being relied upon, assess the strength of a proposed theory, and determine whether it warrants further development.

[Request a Live Review](#)