

# Compact Prosecution 2.0

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# Disclaimer

Views expressed herein are those of the authors and are not to be attributed to their clients, their firms, their firms' clients or IPO.

The patent examination process should be a collaborative and collegial effort to identify patentable subject matter that is conducted in an efficient, effective and transparent manner.

# Goals

- Increased efficiency
  - Reduce unproductive activities
    - Eliminate final rejections
    - Reduce artificial pauses
  - Focus on final rather than interim objectives
    - Allowance, appeal and abandonment
      - Not Office Actions and final rejections
  - Bring increased resources to bear in stalled cases
    - Involve and empower supervisors, QAS and mediators

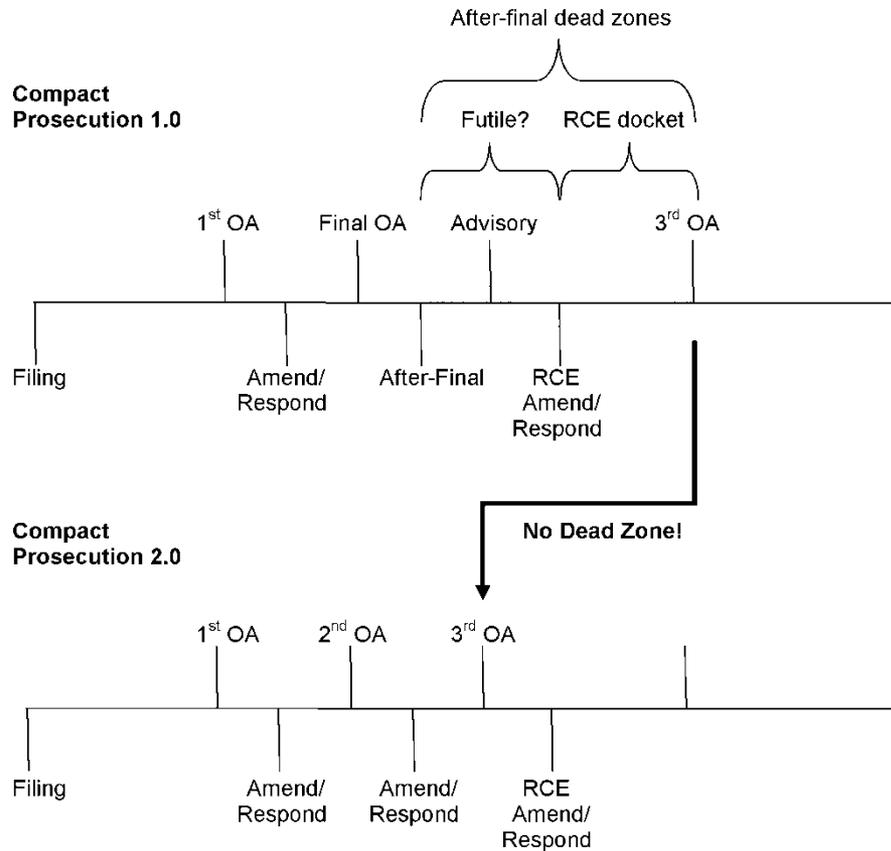
# Goals

- Improved Docket Management
- Continue Emphasis on Patent Quality

# CP 2.0 Goals Align with PTO's Draft Strategic Plan Goals

- Refine Optimal Patent Pendency
  - Enhanced transparency
- Increase Efficiencies and Patent Examination Capacity to Align with the Optimal Patent Pendency
- Continue to Enhance Patent Quality
- Maintain the PTAB's Ability to Provide Timely and High Quality Decisions

# Eliminate “Dead Zones”



# Reduce unproductive activities

- Prosecute without pause to a final objective
  - Encourage interviews
  - Keep subject matter fresh in mind
  - Foster collaborative mindset
  - Encourage productive exchanges

# Focus on Final Objectives

- Allowance, appeal or abandonment
  - Discourage short term focus

# Additional resources can help stalled cases

- Supervisory approval for 3<sup>rd</sup> OA
- Supervisory approval for 2<sup>nd</sup> OA after RCE
- Option to request conference
  - Examiner and two neutral conferees
    - Authority to remove rejection
    - Decision to allow remains with examiner

# Additional resources can help stalled cases

- Appeal
  - Retain current appeal option (after 2<sup>nd</sup> rejection)
  - Option to attend appeal conference
  - Option to request mediation after Exmr Answer
  - Option for Track I appeal

# Changes to Docket Management

- End concept of balanced disposal
  - Initial examination of “X” cases per year?
  - Disposal of “X” cases per year?
    - Disposal = allowance, abandonment or appeal only

# Changes to Docket Management

- End pay period-based count system
- Create actions/disposal metric
  - Disposal = allowance, abandonment or appeal only

# Changes to Docket Management

- Docket first con and div based on priority date
- Docket CIPs and subsequent cons and divs based on filing date
  - Balance between picking up “new” subject matter and old

# Quality

- Continue real time quality review
- Continue QIR system development
- Strengthen ombudsman program
- Increase transparency
  - Publish detailed performance data
    - Art unit-by-art unit basis

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