Patent Public Advisory Committee Quarterly Meeting

Post-Prosecution Pilot (P3)

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November 3, 2016
Post-Prosecution Pilot (P3)

- Advanced as a program of the Enhanced Patent Quality Initiative (EPQI) under Pillar 3, Excellence in Customer Service
- Developed to test its impact on enhancing patent practice during the period subsequent to final rejection and prior to the filing of a notice of appeal.
Overview

• Retains popular features of the Pre-appeal Brief Conference Pilot and After Final Consideration Pilot (AFCP) 2.0 programs:
  ➢ Consideration of 5-pages of arguments after final
  ➢ Consideration of non-broadening claim amendments after final
• Adds requested features:
  ➢ Presentation of arguments to a panel of examiners
  ➢ Explanation of the panel’s recommendation in a written decision after the panel confers
P3 Timeline

• Pilot began July 11, 2016
• Runs six (6) months or upon receipt of 1,600 compliant requests, whichever occurs first
  – 200 per Technology Center
• Formal comments about P3 will be received through November 14, 2016 at AfterFinalPractice@uspto.gov
P3 Statistics

TOTAL SUBMISSIONS

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P3 Statistics

CONFERANCE OUTCOME

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Reopen + Allow = 37.5%
P3 Statistics

CONFERENCE OUTCOME BY TC

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P3 Statistics

![Graph showing improper requests]

- More than 5 pages: Highest category
- Amdt broadens claim
- >2 months after final
- Prior AFCP OR Pre-appeal
Outcomes

Program Outcomes – 10/24/16

- P3
- Pre-Appeal
- AFCP 2.0

AFCP 2.0 data is from start of program; Final Maintained is RCEs + Advisories
Pre-Appeal data is for FY15 + FY16
P3 – Looking Ahead

- Consider:
  - Internal and external survey results
  - Formal Comments from FR Notice
  - Stakeholder feedback about the program from other sources

- Decide:
  - Whether or not to continue the program, optionally with modifications
For More Information on P3

• Visit our website: http://www.uspto.gov/patent/initiatives/post-prosecution-pilot
  – Program details and forms
  – Examiner training materials
  – FAQs

• Contact us by email: PostProsecutionPilot@uspto.gov
Questions and Comments

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