

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**uspto**

# Patent Public Advisory Committee Quarterly Meeting

## Post-Prosecution Pilot (P3)

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UNITED STATES  
PATENT AND TRADEMARK OFFICE



# 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



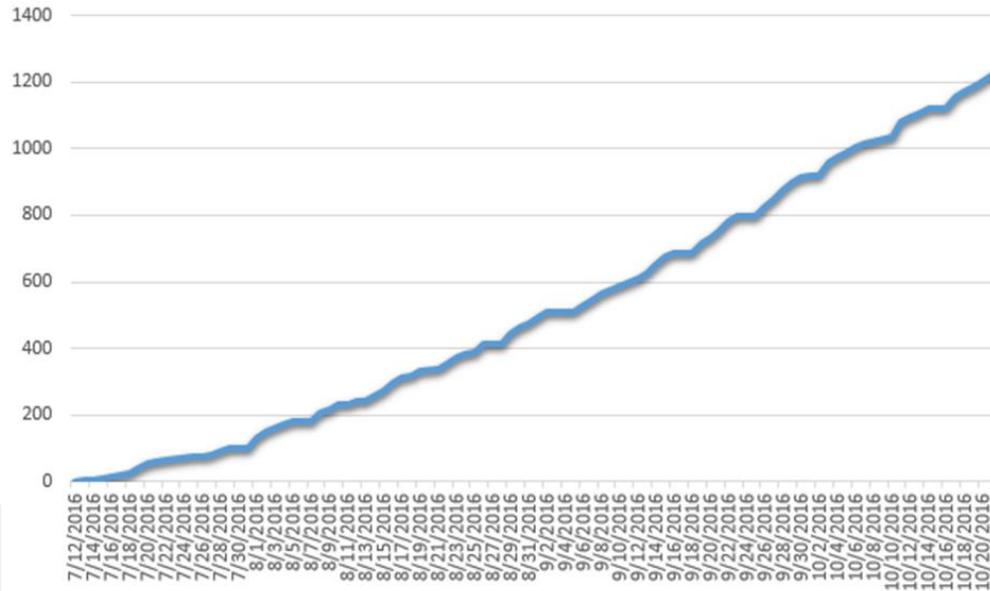
# P3 Timeline

- 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](mailto:AfterFinalPractice@uspto.gov)



# P3 Statistics

TOTAL SUBMISSIONS

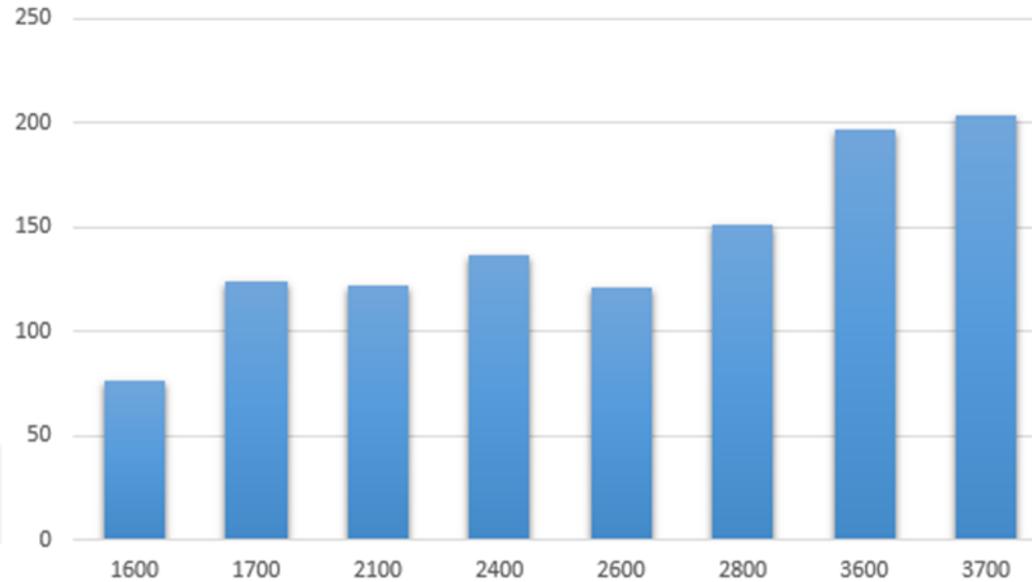


Total Submissions	1222
Approved	1023
Defective	113
Meeting Held	614



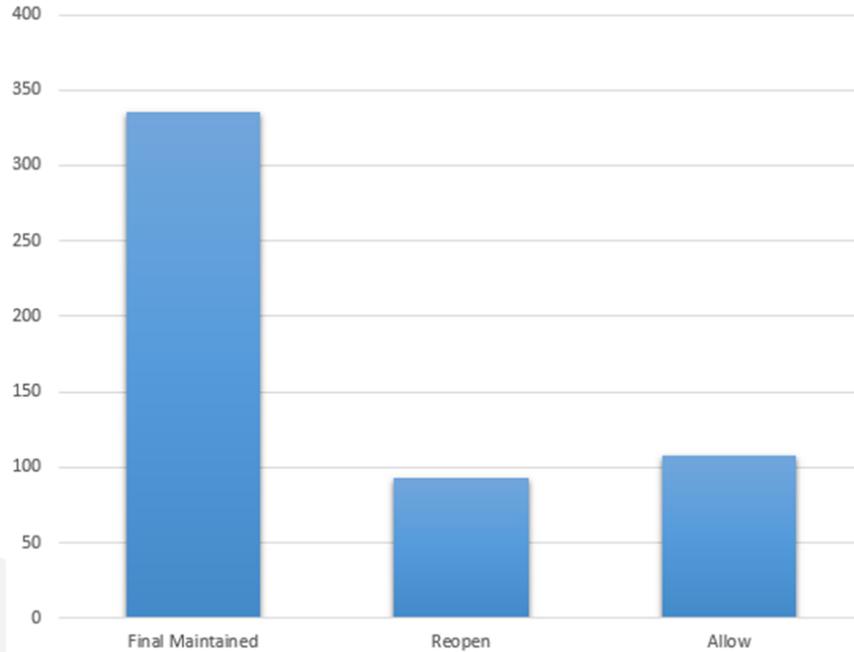
# P3 Statistics

SUBMISSIONS BY TC



# P3 Statistics

CONFERENCE OUTCOME



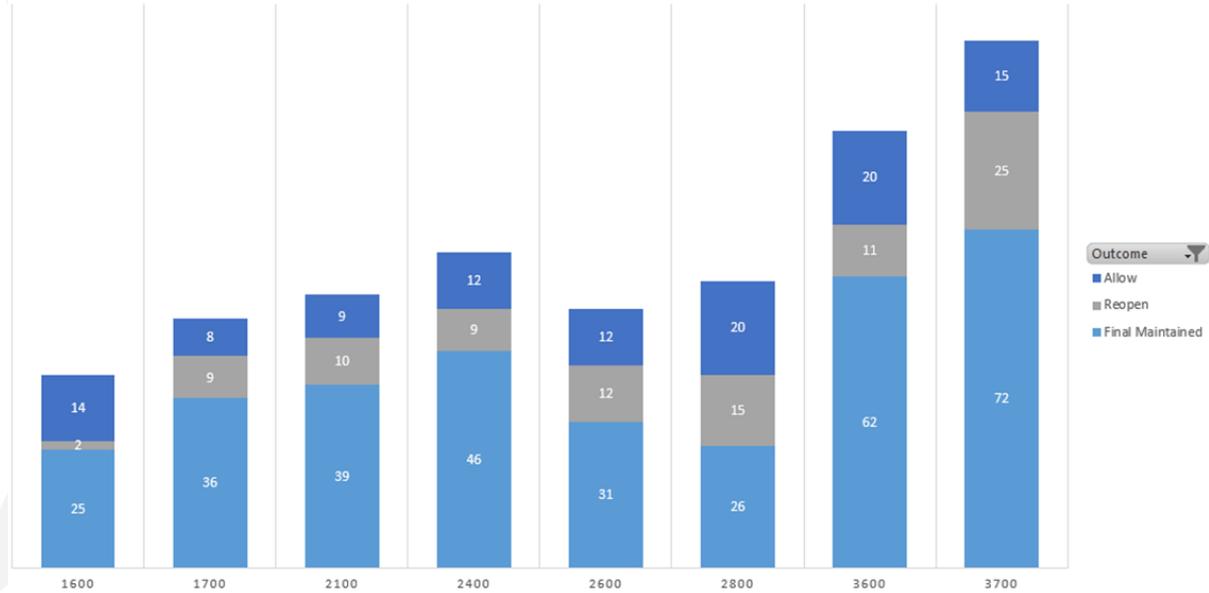
Final Maintained	335
Reopen	93
Allow	108
<b>Grand Total</b>	<b>536</b>

Reopen+ Allow = 37.5%



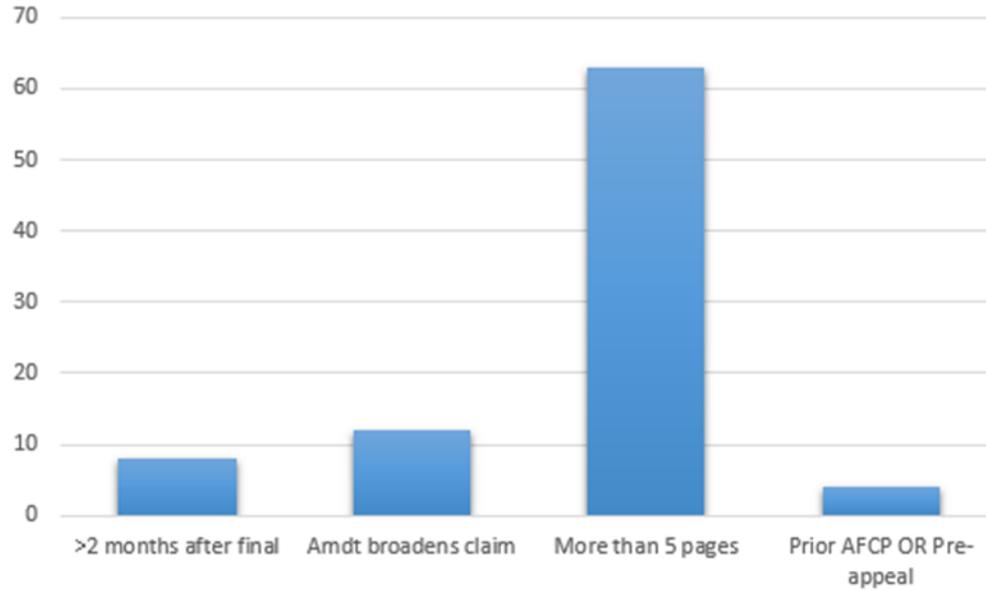
# P3 Statistics

CONFERENCE OUTCOME BY TC



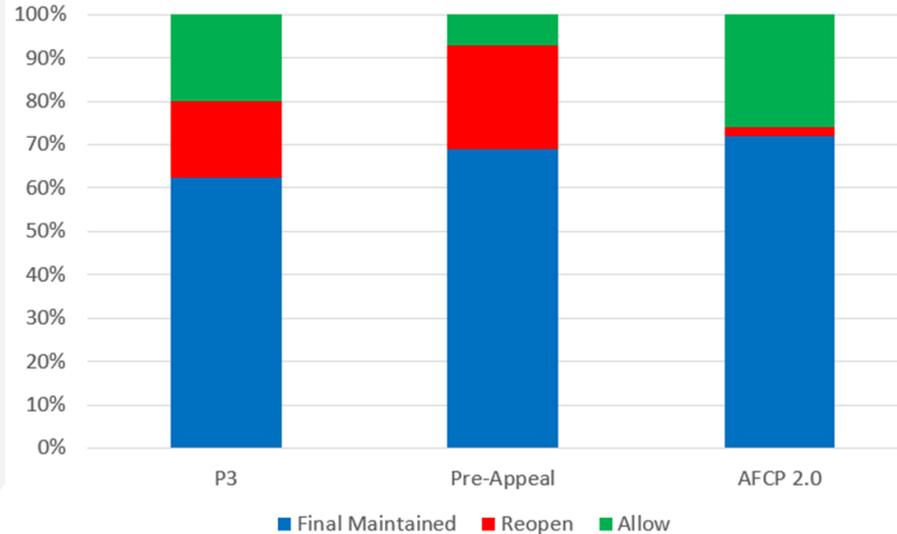
# P3 Statistics

## IMPROPER REQUESTS



# Outcomes

Program Outcomes – 10/24/16



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](mailto:PostProsecutionPilot@uspto.gov)



# Questions and Comments

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