

Prosecution Efficiency and Strategies

Michael Piper &
Andrew Metrailler

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Prosecution Programs

- **Examiner Interviews**
 - First Action Interview Pilot Program
 - After Final Consideration Program
- **Accelerated Examination Options**
 - Track I
 - Patent Prosecution Highway
 - Petitions to Make Special
- **Filing Strategy Effects**
 - Patent Term
 - Patent Strength

Examiner Interviews

- Higher allowance rates
- Identify allowable subject matter faster
- Reduce overall prosecution costs
- Identify difficult cases early
- Limit Prosecution History Estoppel

Examiner Interviews

- No USPTO fees for requesting the interview
- First Action Interview Pilot Program (no USPTO fees)
- After Final Consideration Program (no USPTO fees)

Pilot Programs with Interviews - FAIPP

- The First Action Interview Pilot Program (FAIPP)
- The FAIPP First Office Action allowance rate is around 30% (compared to 12% for other applications)
- In general, we have a higher/earlier allowance rate, shorter prosecution, and fewer RCEs for FAIPP cases (based on conducting over 250 FAIPP Interviews).

Pilot Programs with Interviews - FAIPP

- The FAIPP allows for an interview prior to receiving an Office Action
- Provide the Applicants with an outline of the rejections (the Pre-Interview Communication)
- A list of references is also provided
- Deadline for response is 1-month
- Applicant submits an interview request and an interview agenda with proposed amendments and an outline of arguments

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Also available as part of the eCourse

[Efficient Patent Prosecution to Increase Effective Term Length](#)

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"Efficient Patent Prosecution to Increase Effective Term Length"