

**Quick Path Information Disclosure Statement (QPIDS) Program
and
Memorandum of Understanding between
The United States Patent and Trademark Office (USPTO) and
The Patent Office Professional Association (POPA)**

September, 2018

1. PROGRAM DESCRIPTION

The USPTO has determined to implement a Quick Path Information Disclosure Statement Program (QPIDS). The QPIDS Program eliminates the requirement for processing of a Request for Continued Examination (RCE) with an Information Disclosure Statement (IDS) filed after payment of the issue fee in order for the IDS to be considered by the examiner. There will be three paths for this program. Paths 1 and 2 are the same as the previously conducted QPIDS Pilot Program with was conducted starting in 2012, and depend on when the IDS is filed relative to the payment of an issue fee. Path 0 covers the period between final rejection and disposal.

2. Path 0: IDS filed after a final rejection and prior to disposal of the application:

This portion of the QPIDS Program is available for utility, plant, reissue, and design applications.

If an IDS is filed in a utility, plant, or reissue application after a final rejection and prior to disposal (i.e. prior to allowance, abandonment, or disposed due to the filing of an RCE) the examiner will be authorized three hours of non-production time to review the IDS, if the IDS is considered in conjunction with an office action which has no production value. For example, examiners will be authorized non-production time if an IDS is considered at the time of an advisory action, or with an action reopening prosecution after final rejection. For design applications, one hour of non-production time is authorized for review of the IDS. The processing and handling of the IDS is unchanged from current practice.

3. Path 1: IDS filed after Path 0 and prior to or on the same day as payment of Issue Fee:

This portion of the QPIDS Program is available for utility, plant, reissue, and design applications.

If an IDS is filed in a utility, plant, or reissue application after counting of a notice of allowance and prior to or on the same day as the payment of the issue fee, the examiner will be authorized three hours of non-production time to review the IDS. For design applications, one hour of non-production time is authorized for review of the IDS. The processing and handling of the IDS will be unchanged from current practice, unless the examiner determines that the IDS necessitates reopening of prosecution.

If the examiner determines that the IDS necessitates reopening of prosecution, the examiner will complete a PTO-2300 (Notification Of Reopening Of Prosecution Due To Consideration Of An Information Disclosure Statement Filed After Mailing Of A Notice Of Allowance) to notify the applicant of the need to reopen prosecution. The examiner will post the form to the TC Director for signature. Posting of the form to the TC Director will

stop the examiner's docket management clock, and notify the Office of Publications of the withdrawal. In that case, the disposal count will not be withdrawn from the examiner.

The application will be withdrawn from issue and placed on the examiner's Amendments tab. When the application is subsequently acted on, the examiner will be credited with additional appropriate credit as with any other amended application (0.25 counts for a final rejection and 0.50 counts for a disposal, or 0.75 counts for the disposal if no final rejection is done).

4. IDS filed after payment of the Issue Fee:

This portion of the QPIDS Program is available only for utility and reissue applications. Design applications are not eligible because 37 CFR 1.114 is not applicable to design applications. Plant applications are not eligible because ePetitions may not be filed in plant applications.

Under this program, an IDS filed after the payment of the issue fee must be filed with the necessary statement under 37 CFR 1.97(e) and fee, a provisional RCE, authorization to charge the RCE fee, and a grantable e-petition and fee to withdraw the application from issue pursuant to 37 CFR 1.313(c). The examiner will be authorized three hours of non-production time to consider the IDS. The processing and handling of the IDS will be unchanged from current practice, unless the examiner determines that the IDS necessitates reopening of prosecution.

If the examiner determines that the IDS necessitates reopening of prosecution, the examiner will complete a PTO-2300 form to notify applicant that the RCE will be processed. After reopening of prosecution, the application will be placed on the examiner's Continuing New tab. As with current practice, no credit will be withdrawn due to the filing of the RCE and the examiner will receive production credit as appropriate for work on the RCE.

If processing of the provisional RCE is unnecessary, the examiner will mail a Corrected Notice of Allowability and the RCE fee will be refunded to applicant. If any amendments (e.g. under 37 CFR 1.312) are filed with the provisional RCE, the RCE will be automatically processed and placed on the examiner's Continuing New tab.

AGREEMENT

Preamble:

The USPTO and POPA agree to the following provisions based on the Agency's determination to implement the QPIDS Program as outlined above:

- 1. Timing and Duration:** Path 0 of the QPIDS program is available as of the effective date of this agreement. Paths 1 and 2 will be effective starting October 1, 2018.
- 2. Sharing of Information:** Summary information collected for the evaluation of this program will be shared on an annual basis with POPA. Information may include: the amount of time claimed under the program; the number of QPIDS requests filed; the

disposition of the applications after QPIDS requests; and the number of first action allowances after RCEs of applications in the pilot.

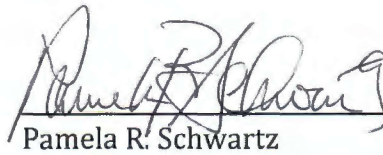
3. **Dissemination of Information to Examiners:** Management will notify examiners of the QPIDS program, including the addition of Path 0, as soon as practicable after the effective date of this agreement. The information will consist of a description of the program, including instructions for processing eligible IDSs, and the time codes to be used to record the authorized non-production time.

Signatures

Katherine A. Matecki
Digitally signed by Users,
Matecki, Kathy
Date: 2018.09.27 12:54:26
-04'00'

Katherine Matecki
Director, Technology Center 3600
U.S. Patent and Trademark Office

Date: September 27, 2018



Pamela R. Schwartz
President
Patent Office Professional Association

Date: 9/28/18