

MEMORANDUM OF UNDERSTANDING REGARDING USPTO POLICY ON PTAB IPR REVIEW


Date: August 22, 2017

This Agreement between the Patent Office Professional Association (POPA, Association or Union) and the United States Patent and Trademark Office (USPTO or Agency) describes the conditions under which examiners will treat PTAB IPR Reviews.

Description:

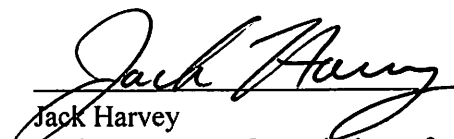
The United States Patent and Trademark Office (USPTO) has made available to patent examiners the Patent Trial and Appeals Board (PTAB) proceedings in Inter Partes Review (IPR), Covered Business Methods (CBM and Post Grant Reviews (PGR). These proceedings include amongst other documents, a petition which comprises a detailed description of the third party's position against the patented claims and prior art to support their position. The USPTO, in an effort to improve quality of examination, has added a tab in the examiners Docket Application Viewer (DAV) tool to facilitate and assist an examiner to retrieve PTAB proceeding in a parent application(s) related to the examiner's application. Examiners will be provided a brief training module as well as a reasonable amount of non-examination time to read the petition in the PTAB proceedings. In order to facilitate implementation, the Patent Office Professional Association (POPA) and the USPTO agree as follows:

- The USPTO will notify examiners and their supervisors who have pending child applications on their dockets related to the parent applications undergoing proceedings as mentioned above.
- The USPTO will provide examiners with a brief training module at the time of being notified of the related proceedings.
- The USPTO will grant a reasonable amount of non-examination time to review and consider the petition within the proceedings.
- Examiners will document in their search notes that they have considered these documents according to the following general guidelines:
 - IPR2012-99999 Reviewed Inter Partes Review of U.S. Patent No. 9,999,999 on 12/31/2019
 - PGR2015-99999 Reviewed Post Grant Review of U.S. Patent No. 9,999,999 on 12/31/2019
 - CBM2016-99999 Reviewed Covered Business Method Patent Review of U.S. Patent No. 9,999,999 on 12/31/2019
- If the USPTO determines the need to survey impacted examiners, the content of such a survey will be agreed upon by the USPTO and POPA and examiners will be granted a reasonable amount of non-examination time for their participation.



Pamela R. Schwartz
President
Patent Office Professional Association

8/22/17
Date



Jack Harvey
Assistant Deputy Commissioner for Patent
Operations

8/22/17
Date