

After Final Consideration Pilot Program 2.0 (June 2013)

The United States Patent and Trademark Office (USPTO) has authorized a new and helpful program called the After Final Consideration Pilot Program 2.0 (AFCP 2.0). Applicants who wish to participate in AFCP 2.0 must file a request to have a response after final rejection (which the examiner may have sufficient basis not to consider under current practice) considered by the examiner without reopening prosecution. The response after final rejection must include an amendment to at least one independent claim.

The examiner will be allotted a set amount of time under AFCP 2.0 to consider the response. If the examiner's consideration of a proper AFCP 2.0 request and response does not result in a determination that all pending claims are in condition for allowance, the examiner will request an interview with the applicant to discuss the response. AFCP 2.0 will run from May 19 to September 30, 2013.

The goal of AFCP 2.0 is to reduce pendency of patent applications by reducing the number of Requests for Continued Examination (RCE) and encouraging increased collaboration between the applicant and the examiner to effectively advance the prosecution of the application.

There is no additional fee required to request consideration of an amendment after final rejection under AFCP 2.0, but any necessary existing fee, *e.g.*, the fee for an extension of time, must still be paid.

Where appropriate, we will be employing this program on behalf of Peacock Myers clients.