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## PEER-TO-PATENT APPLICANT GUIDELINES

[www.peertopatent.org](http://www.peertopatent.org)

### Scope of Pilot

The Peer-to-Patent: Community Patent Review Pilot (the "Pilot") tests the success of open, public participation in finding and submitting prior art and comments to the United States Patent and Trademark Office (USPTO) in connection with published patent applications.

The USPTO announced the extension and expansion of the Peer-to-Patent Pilot on July 17, 2008. The extended Pilot will accept for open review up to 400 patent applications, with a percentage of slots reserved for small entities. The total includes the applications from the first year. The Pilot will now continue through June 15, 2009. The USPTO may further expand the Pilot at its discretion.

All patent applications in the Pilot must be for inventions classified in Technology Center 2100 ("Computer Architecture, Software, and Information Security") or Technology Center 3600 Class 705 ("Data Processing: Financial, Business Practice, Management, or Cost/Price Determination"). Requests to participate are currently being accepted from all inventors with an application pending in the above classified groups on a space available, first-come, first-served basis.

Prospective applicants should review the USPTO Official Gazette notices, detailing the full requirements, available on the USPTO Web site at:

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/peerreviewpilot.pdf> and

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/peerreviewexpansion071708.pdf>

Additional information can be found at <http://dotank.nyls.edu/communitypatent> or by e-mailing [info@peertopatent.org](mailto:info@peertopatent.org)

### Prospective Applicant Requirements

**Consent:** Applicants wishing to participate in Community Patent Review are required to submit a signed "Consent to Participate in Community Patent Review Pilot" form (the "Consent"). The Consent is available on the USPTO Web site at <http://www.uspto.gov/web/patents/peerpriorartpilot/consent.pdf>.

**Petition to Make Special:** Applicants who execute the Consent will have their applications advanced out of turn for examination pursuant to the Patent Rules.

**Comments:** Participation in the Pilot requires applicants to consent to receive pre-issuance commentary by third parties for four months from the date of publication. The Pilot will forward 10 prior art submissions as submitted and chosen by the public via the Peer-to-Patent Web site. Only comments directly relating to prior art submissions and claims will be reviewed by the USPTO.

**Fee Waived for Public Submitters:** To encourage participation in the Pilot, the USPTO will waive the fee for submissions by third parties through Peer-to-Patent.

**Timing for Community Review and Prior Art/Comments Submissions:** Participating applications will be open for review by the public for four months from the date of publication. Early publication is permitted. Applicants are encouraged to plan ahead and submit their requests to participate to the USPTO at least three months prior to anticipated publication.

**Early Publication:** Prospective applicants may request early publication under the rules of the USPTO. Generally, early publication takes 10 weeks to process. More information is available at <http://www.uspto.gov/web/patents/peerpriorartpilot/>



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**Acceptance Required:** An application will be reviewed by the USPTO to determine if it is classified and assigned to Technology Center 2100, or Technology Center 3600 Class 705. Thus, all eligible classes now include: 380, 700, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 717, 718, 719, and 726. Due to resource constraints, only a limited number of applications can be accepted on a space-available, first-come-first-served basis.

The size and scope of the Community Patent Review Pilot may be expanded as resources permit. Nothing about participation or the failure to participate in the Pilot limits the public's right to submit prior art under Rule 1.99.

**Notification:** Applicants will be notified within 30 days of their submission of the executed Consent whether they have been accepted for the Pilot and the anticipated start and end dates for online publication on the Peer-to-Patent Web site. Applications not accepted for the Pilot will not be eligible to be examined out of turn.

**Maximum Number of Applications:** No more than 25 applications from the same inventor and/or assignee may be submitted. If an applicant submits a patent application which does not for any reason get forwarded to the USPTO through the Pilot, this application will not count against the applicant's limit on number of applications for the Pilot. The order of patent applications to be posted to the Peer-to-Patent Web site will be selected at random, except that some slots may be reserved for patent applicants with fewer than 50 issuing patents annually. The number of applications will be chosen with a view towards overall Pilot effectiveness.

**Additional Material from Applicants:** Applicants may, at their own discretion, provide a short audio, video, or text memorandum to public reviewers specifying issues that merit public review and study to post on the Peer-to-Patent Web site. The content of this additional material is to be worked out consensually in collaboration with the Pilot administrators. Applicants are not required to provide this additional memorandum.