

Table 7 Comparison of Established Process of Notice and Comment with USPTO’s

	Established Process for Notice and Comment Rulemaking		USPTO’s Process for Notice and Comment Rulemaking
1	Provide notice of specific proposed changes		
2	Gather and publish comments		July 2022: Internally implement substantial MPEP changes to expand restriction practice
3	Review and analyze comments, finalize changes		Oct 2022: Publish a Request for Comments seeking input on many topics, including restriction practice. No specific changes proposed.
4	Publish the analysis and final changes based upon review of the comments. Provide a prospective effective date for implementation.		Oct 2022 to Feb 28, 2023: Gather and publish comments
5	Implement the final changes on the effective date		March 3, 2023: Publish MPEP that includes substantial retroactively effective policy changes

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graph LR; subgraph Established_Process [Established Process for Notice and Comment Rulemaking]; direction TB; E1[1 Provide notice of specific proposed changes]; E2[2 Gather and publish comments]; E3[3 Review and analyze comments, finalize changes]; E4[4 Publish the analysis and final changes based upon review of the comments. Provide a prospective effective date for implementation.]; E5[5 Implement the final changes on the effective date]; end; subgraph USPTO_Process [USPTO's Process for Notice and Comment Rulemaking]; direction TB; U1[ ]; U2[July 2022: Internally implement substantial MPEP changes to expand restriction practice]; U3[Oct 2022: Publish a Request for Comments seeking input on many topics, including restriction practice. No specific changes proposed.]; U4[Oct 2022 to Feb 28, 2023: Gather and publish comments]; U5[March 3, 2023: Publish MPEP that includes substantial retroactively effective policy changes]; end; E1 -.-> U3; E2 --> U4; E3 --> U2; E4 --> U5; E5 -.-> U4;
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Jianjun Gao



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