

Notice of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	Examiner	Art Unit	
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--			
<p>The appeal brief filed on _____ is defective for failure to comply with one or more provisions of § 41.37. Please see the checked item(s) below. Appellant is given one single opportunity to make the appropriate corrections. To avoid termination of the appeal, appellant must file a corrected brief within ONE MONTH or THIRTY DAYS from the mailing date of this Notice, whichever is longer. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER § 1.136(a) and (b).</p> <p>The corrected brief must include all of the items required by § 41.37, except if the defect(s) is in the appendix, only a corrected appendix in compliance with § 41.37(e)(11) and (p)-(v) is required. Appellant must correct the defect(s) indicated below and cannot make any other substantive changes to the initial appeal brief.</p>			
<p>1. <input type="checkbox"/> The required items in the brief are not under appropriate headings or in the proper order (§ 41.37(e)).</p> <p>2. <input type="checkbox"/> The brief does not contain a jurisdictional statement or the jurisdictional statement is incorrect (§ 41.37(h)).</p> <p>3. <input type="checkbox"/> The brief does not contain a table of contents (§ 41.37(i)).</p> <p>4. <input type="checkbox"/> The brief does not contain a table of authorities (§ 41.37(j)).</p> <p>5. <input type="checkbox"/> At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment or the status of the amendment(s) is incorrect (§ 41.37(l)).</p> <p>6. <input type="checkbox"/> The brief does not contain a concise statement of each ground of rejection to be reviewed on appeal, or the statement is incorrect or inconsistent with the argument section (§ 41.37(m)).</p> <p>7. <input type="checkbox"/> The brief does not contain a statement of facts (§ 41.37(n)).</p> <p>8. <input type="checkbox"/> The brief does not present an argument under a separate heading for each ground of rejection on appeal (§ 41.37(o)).</p> <p>9. <input type="checkbox"/> The brief does not contain a claims section in the appendix, a copy of the pending claims is missing, or the copy of the pending claims is not correct (§ 41.37(p)).</p> <p>9a. <input type="checkbox"/> The status of at least one of the claims in the claims section is not correct. See Claims _____. The status of every claim shall be set out after the claim number and in parentheses (e.g., 1 (rejected), 2 (withdrawn), 3 (objected to), 4 (cancelled), and 5 (allowed)) (§ 41.37(p)). Note: Appellant cannot use: (1) the status identifier "cancelled" for a claim that has not been previously cancelled by an amendment; and (2) the status identifier "withdrawn from appeal" (or a similar identifier) to withdraw a claim from appeal. If appellant wishes to appeal fewer than all of the rejected claims, appellant must file an amendment in compliance with § 1.121 to cancel the rejected claims that are not being appealed. See § 41.33(b).</p> <p>10. <input type="checkbox"/> The brief does not contain a claims support and drawing analysis section in the appendix (§ 41.37(r)).</p> <p>11. <input type="checkbox"/> The brief contains two or more affidavits or declarations in the evidence section of the appendix, but the evidence section does not contain a table of contents (§ 41.37(t)).</p> <p>12. <input type="checkbox"/> The brief does not contain a copy of the related case identified in the statement of related case section (§ 41.37(u)).</p> <p>13. <input type="checkbox"/> The pages of the brief are not numbered correctly (§ 41.37(v)(1)).</p> <p>14. <input type="checkbox"/> Proper spacing (double) is not used in the appropriate section(s) (§ 41.37(v)(2)).</p> <p>15. <input type="checkbox"/> Proper font size (14 point) is not used (§ 41.37(v)(4)).</p> <p>16. <input type="checkbox"/> The brief exceeds the page limit (30 pages) without a grantable petition under 37 CFR 41.3 (§ 41.37(v)(5)).</p> <p>17. <input type="checkbox"/> The brief does not contain a signature block or the signature block is incorrect (§ 41.37(v)(6)).</p> <p>18. <input type="checkbox"/> Other (including any explanation in support of the above items): _____.</p>			