

Chapter 1700 Miscellaneous

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1701	Office Personnel Not To Express Opinion on Validity, Patentability, Expiration Date, or Enforceability of Patent [R-10.2019]

Every patent is presumed to be valid. See [35 U.S.C. 282](#), first sentence. Public policy demands that every employee of the United States Patent and Trademark Office (USPTO) refuse to express to any person any opinion as to the validity or invalidity of, or the patentability or unpatentability of any claim in any U.S. patent or the expiration date of any patent, except to the extent necessary to carry out:

- (A) an examination of a non-reissue patent application where determination of the expiration date of a patent is necessary to conduct examination of the non-reissue patent application,
- (B) an examination of a reissue application of the patent,
- (C) a supplemental examination proceeding or reexamination proceeding to reexamine the patent,
- (D) an interference or derivation proceeding involving the patent,
- (E) a patent term adjustment or extension under [35 U.S.C. 154](#) and/or [35 U.S.C. 156](#) where

determination of the expiration date of a patent is necessary to determine the adjustment or extension,

- (F) a notification that a patent has expired for failure to pay maintenance fee,
- (G) a consideration of a request under the regulations (e.g., a petition) wherein determination of patent term is necessary or arises as an ancillary matter, or
- (H) an *inter partes* or post-grant review of the patent.

The question of validity or invalidity is otherwise exclusively a matter to be determined by a court. Likewise, the question of enforceability or unenforceability is exclusively a matter to be determined by a court. Members of the patent examining corps are cautioned to be especially wary of any inquiry from any person outside the USPTO, including an employee of another U.S. government agency, the answer to which might indicate that a particular patent should not have issued. No USPTO employee may pursue a bounty offered by a private sector source for identifying prior art. The acceptance of payments from outside sources for prior art search activities may subject the employee to administrative disciplinary action.

Office employees may provide factual information regarding the calculation of patent term in **general** (i.e., a design patent term is 15 years-from-grant if the underlying design patent application was filed on or after May 13, 2015, and 14 years-from-grant if the design application was filed earlier). However, office employees should refuse to provide a determination or express an opinion addressing any patent owner or public inquiries as to a **specific** patent's expiration date, except as provided above in items A-H. A number of factors may affect calculation of a patent term expiration date, both pre- and post-issuance, that may create difficulty in accurately calculating the term of a patent. In the event of any inquiries, the USPTO has provided a downloadable patent term calculator as a resource to help the public estimate the expiration date of a patent at www.uspto.gov/patent/laws-and-regulations/patent-term-calculator. See also [MPEP § 2701](#).

When a field of search for an invention is requested, examiners should routinely inquire whether the

invention has been patented in the United States. If the invention has been patented, no field of search should be suggested.

Employees of the USPTO, particularly patent examiners who examined an application which matured into a patent or a reissued patent or who conducted a reexamination proceeding, should not discuss or answer inquiries from any person outside the USPTO as to whether or not a certain reference or other particular evidence was considered during the examination or proceeding and whether a claim would have been allowed over that reference or other evidence had it been considered during the examination or proceeding. Likewise, *employees* are cautioned against answering any inquiry concerning any entry in the patent or reexamination file, including the extent of the field of search and any entry relating thereto. The record of the file of a patent or reexamination proceeding must speak for itself.

Practitioners shall not make improper inquiries of members of the patent examining corps. Inquiries from members of the public relating to the matters discussed above must out of necessity be refused and such refusal should not be considered discourteous or an expression of opinion as to validity, patentability or enforceability.

The definitions set forth in [37 CFR 104.1](#) and the exceptions in [37 CFR 104.21](#) are applicable to this section.

1701.01 Office Personnel Not To Testify [R-10.2019]

It is the policy of the United States Patent and Trademark Office (USPTO) that its employees, including patent examiners, will not appear as witnesses or give testimony in legal proceedings, except under the conditions specified in [37 CFR Part 104, Subpart C](#). The definitions set forth in [37 CFR 104.1](#) and the exceptions in [37 CFR 104.21](#) are applicable to this section. Any employee who testifies contrary to this policy will be *dismissed or removed*.

Whenever an employee of the USPTO, including a patent examiner, is asked to testify or receives a

subpoena, the employee shall immediately notify the Office of the USPTO General Counsel. Inquiries requesting testimony shall be also referred immediately to the Office of the USPTO General Counsel.

Any individual desiring the testimony of an employee of the USPTO, including the testimony of a patent examiner or other quasi-judicial employee, must comply with the provisions of [37 CFR Part 104, Subpart C](#).

A request by a third party to take deposition testimony of a patent examiner in a pending *ex parte* reexamination proceeding will generally be denied in view of the *ex parte* nature of the reexamination proceeding.

A request for testimony of an employee of the USPTO should be made to the Office of the USPTO General Counsel at least **ten (10) working days** prior to the date of the expected testimony.

Patent examiners and other USPTO employees performing or assisting in the performance of quasi-judicial functions, are forbidden to testify as experts or to express opinions as to the validity of any patent.

If an employee is authorized to testify, the employee will be limited to testifying about facts within the employee's personal knowledge. Employees are prohibited from giving expert or opinion testimony. Likewise, employees are prohibited from answering hypothetical or speculative questions. *Fischer & Porter Co. v. Corning Glass Works*, 61 F.R.D. 321, 181 USPQ 329 (E.D. Pa. 1974). See also *In re Mayewsky*, 162 USPQ 86, 89 (E.D. Va. 1969) (deposition of an examiner must be restricted to relevant matters of fact and must avoid any hypothetical or speculative questions or conclusions based thereon); *Shaffer Tool Works v. Joy Mfg. Co.*, 167 USPQ 170 (S.D. Tex. 1970) (deposition of examiner should be limited to matters of fact and must not go into hypothetical or speculative areas or the bases, reasons, mental processes, analyses, or conclusions of the examiner in acting upon a patent application). Employees will not be permitted to give testimony with respect to subject matter which

is privileged. Several court decisions limit testimony with respect to quasi-judicial functions performed by employees. Those decisions include *United States v. Morgan*, 313 U.S. 409, 422 (1941) (improper to inquire into mental processes of quasi-judicial officer or to examine the manner and extent to which the officer considered an administrative record); *Western Electric Co. v. Piezo Technology, Inc.*, 860 F.2d 428, 8 USPQ2d 1853 (Fed. Cir. 1988) (patent examiner may not be compelled to answer questions which probe the examiner's technical knowledge of the subject matter of a patent); *McCulloch Gas Processing Co. v. Department of Energy*, 650 F.2d 1216, 1229 (Temp. Emer. Ct. App. 1981) (discovery of degree of expertise of individuals performing governmental functions not permitted); *In re Nilssen*, 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988) (technical or scientific qualifications of examiners-in-chief are not legally relevant in appeal under [35 U.S.C. 134](#) since board members need not be skilled in the art to render obviousness decision); *Lange v. Commissioner*, 352 F. Supp. 116, 176 USPQ 162 (D.D.C. 1972) (technical qualifications of examiners-in-chief not relevant in [35 U.S.C. 145](#) action).

In view of the discussion above, if an employee is authorized to testify in connection with the employee's involvement or assistance in a quasi-judicial proceeding which took place before the USPTO, the employee will not be permitted to give testimony in response to questions that the Office determines are impermissible. Impermissible questions include, but are not limited to, questions directed to discovering the mental processes or expertise of a quasi-judicial official, such as:

- (A) Information about that employee's:
 - (1) Background;
 - (2) Expertise;
 - (3) Qualifications to examine or otherwise consider a particular patent or trademark application;
 - (4) Usual practice or whether the employee followed a procedure set out in any Office manual of practice (including the MPEP or TMEP) in a particular case;
 - (5) Consultation with another Office employee;

(6) Understanding of:

(a) A patented invention, an invention sought to be patented, or patent application, patent, reexamination or interference file;

(b) Prior art;

(c) Registered subject matter, subject matter sought to be registered, or a trademark application, registration, opposition, cancellation, interference, or concurrent use file;

(d) Any Office manual of practice;

(e) Office regulations;

(f) Patent, trademark, or other law; or

(g) The responsibilities of another Office employee;

(7) Reliance on particular facts or arguments;

(B) To inquire into the manner in and extent to which the employee considered or studied material in performing a quasi-judicial function; or

(C) To inquire into the bases, reasons, mental processes, analyses, or conclusions of that Office employee in performing the quasi-judicial function.

Any request for testimony addressed or delivered to the Office of the USPTO General Counsel shall comply with [37 CFR 104.22\(c\)](#). All requests must be in *writing*. The need for a subpoena may be obviated where the request complies with [37 CFR 104.22\(c\)](#) if the party requesting the testimony further meets the following conditions:

(A) The party requesting the testimony identifies the civil action or other legal proceeding for which the testimony is being taken. The identification shall include the:

(1) Style of the case;

(2) Civil action number;

(3) District in which the civil action is pending;

(4) Judge assigned to the case; and

(5) Name, address, and telephone number of counsel for all parties in the civil action.

(B) The party agrees not to ask questions seeking information which is precluded by [37 CFR 104.23](#);

(C) The party shall comply with applicable provisions of the Federal Rules of Civil Procedure,

including Rule 30, and give ten (10) working days notice to the Office of the USPTO General Counsel prior to the date a deposition is desired. Fifteen (15) working days notice is required for any deposition which is desired to be taken between November 15 and January 15;

(D) The party agrees to notice the deposition at a place convenient to the USPTO. The Conference Room in the Office of the USPTO General Counsel is deemed to be a place convenient to the Office; and

(E) The party agrees to supply a copy of the transcript of the deposition to the USPTO for its records.

Absent a written agreement meeting the conditions specified in paragraphs (A) through (E), a party must comply with the precise terms of [37 CFR 104.22\(c\)](#) and the USPTO will not permit a deposition without issuance of a subpoena.

1702 Restrictions on Current and Former Office Employees Regarding Patent Matters [R-07.2022]

35 U.S.C. 4 Restrictions on officers and employees as to interest in patents.

Officers and employees of the Patent and Trademark Office shall be incapable, during the period of their appointments and for one year thereafter, of applying for a patent and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Office. In patents applied for thereafter they shall not be entitled to any priority date earlier than one year after the termination of their appointment.

37 CFR 11.10 Restrictions on practice in patent matters; former and current Office employees; government employees.

(a) Only practitioners registered under § [11.6](#); individuals given limited recognition under § [11.9 \(a\)](#) or [\(b\)](#) or § [11.16](#); or individuals admitted pro hac vice as provided in § [41.5\(a\)](#) or [42.10\(c\)](#) of this chapter are permitted to represent others before the Office in patent matters.

(b) *Post employment agreement of former Office employee.* No individual who has served in the patent examining corps or elsewhere in the Office may practice before the Office after termination of his or her service, unless he or she signs a written undertaking agreeing:

(1) To not knowingly act as agent or attorney for or otherwise represent any other person:

(i) Before the Office,

(ii) In connection with any particular patent or patent application,

(iii) In which said employee participated personally and substantially as an employee of the Office; and

(2) To not knowingly act within two years after terminating employment by the Office as agent or attorney for, or otherwise represent any other person:

(i) Before the Office,

(ii) In connection with any particular patent or patent application,

(iii) If such patent or patent application was pending under the employee's official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility.

Pursuant to [35 U.S.C. 4](#), patent examiners, other Office employees, and Office officers may not apply for a patent or acquire any right or interest in any patent during the period of their employment with the Office and for one year thereafter. An Office employee or officer who is named as an inventor in a patent application will be presumed (1) to be legally incapable of signing the inventor's oath or declaration pursuant to [35 U.S.C. 4](#), or (2) to refuse to sign the inventor's oath or declaration based on Office employee status. For applications filed on or after September 16, 2012, a substitute statement under [37 CFR 1.64](#) may be filed in lieu of the oath or declaration without contacting the current employee or officer of the Office.

The amendments to [37 CFR 11.10](#) were made, in part, to ensure that the restrictions of the post-employment agreement in this provision are coextensive with the post-employment restrictions in 18 U.S.C. 207. Notwithstanding the elimination of 37 CFR 11.10(d), Office employees remain barred from prosecuting, or aiding in the prosecution of, any patent or trademark application before the Office by virtue of conflict-of-interest statutes, such as 18 U.S.C. 203 and 205, as well as regulations, such as those promulgated by the Office of Government Ethics in 5 CFR chapter XVI. Similarly, the provision in former 37 CFR 11.10(e) that practice before the USPTO by Government employees is subject to applicable conflict-of-interest laws, regulations, or codes of professional responsibility is already set forth in [37 CFR 11.111](#). See also [MPEP § 309](#).

1703 The Official Gazette [R-10.2019]

The *Official Gazette of the United States Patent and Trademark Office (Official Gazette)* is published electronically every Tuesday in two sections, the *Official Gazette – Patents* and the *Official Gazette – Trademarks*.

The *Official Gazette — Patents* reports the reexamination certificates, reissues, plant patents, utility patents, and design patents issued and statutory invention registrations (if any) published on that day. The *Electronic Official Gazette — for Patents (eOG:P)* (www.uspto.gov/learning-and-resources/official-gazette/official-gazette-patents) allows browsing through the issued patents for the week. The eOG:P can be browsed by classification or type of patent, for example, utility, design, and plant. Specific patents can be accessed by class/subclass or patentee name. Links are provided to the various pages of the eOG:P:

(A) *Browse by CPC or USPC* page to access patents by a specific classification;

(B) *Classification of Patents* page to link to patents issued within specified CPC classes, links to Utility documents and of USPC class ranges with links to Design and Plant documents, and a link to a listing of Class Designations and Descriptions;

(C) *Browse Granted Patents* page to access a patent by patent number or patents by type as well as links to certificates resulting from reexaminations, supplemental examinations and administrative trials;

(D) *Index of Patentees* page to browse by names of inventors and assignees in either a cumulative alphabetical index or individual indexes by type of patent. Each patentee listing contains a link to the patent;

(E) *Geographical Index of Inventors* to link to patents by the state or country of residence of the first listed inventor; and

(F) *Notices* page to link to the text of Patent and Trademark Office Notices for the week.

As to each patent, the following information may be given:

(A) Patent number;

(B) Title of the invention;

(C) Name of inventor(s), city, and state or country of residence;

(D) Assignee's name, city, and state or country of residence, if assigned;

(E) Applicant's name, city, and state or country of residence;

(F) Filing date and application number;

(G) For reissue patents, the original patent number and issue date, and the original application number and filing date;

(H) U.S. benefit application data, if any;

(I) PCT or international design application data, if any;

(J) Foreign priority application data, if any;

(K) Patent Application Publication Number and Publication date, if any;

(L) International classification;

(M) CPC classification;

(N) U.S. classification by class and subclass (for Design and Plant documents);

(O) Number of claims;

(P) Selected figure of the drawing, if any;

(Q) A claim or claims.

The *Official Gazette – Trademarks* is published electronically and contains an illustration of each trademark published for opposition, an alphabetical list of registered trademarks, a classified list of registered trademarks, an index of registrants, a list of canceled trademark registrations, and a list of renewed trademark registrations.

The information in the *Official Gazette* pertaining to each issued patent and each trademark registration can be obtained from the Patent Grants Database and the U.S. Trademark Electronic Search System (TESS) respectively, both also available on the USPTO website.

Regular and special notices of the United States Patent and Trademark Office are published in the *Official Gazette Notices*, both as part of the *Electronic Official Gazette — Patents (eOG:P)* and as a separate publication. The notices that are

included in this publication include notices of patent and trademark suits, disclaimers filed, Certificates of Correction issued, lists of applications and patents available for license or sale, notices of [37 CFR 1.47](#) applications, and general information such as orders, notices, changes in rules, changes in classification, certain adverse decisions in interferences, the condition of work in the Office, registration of attorneys and agents, reprimands, suspensions, and exclusions of registered attorneys and agents, and notices to parties not reached by mail. The *Official Gazette Notices* are available on the United States Patent and Trademark Office website (www.uspto.gov/learning-and-resources/official-gazette).

1704 Application Records and Reports [R-07.2022]

The USPTO maintains an automated data management system for the retrieval and/or online updating of the computer record of each patent application. The USPTO also maintains integrated examination tools which display examiner time, activity, and docket records, and technical support staff backlog records.

To retrieve data from the automated data management system transactions are entered by keyed entries or by making an appropriate choice in a drop-down menu. Among other items, classification, examiner docket, attorney, inventor, status, and prosecution history data as well as the location of each paper application can be retrieved and updated online.

I. DOCKET REPORTS

Examiner dockets are maintained in the automated data management system and the integrated examination tools simultaneously with the recording of incoming and outgoing communications, transfers of applications to and from dockets, and other types of updating of the application record. The status of each examiner's docket can be determined by means of the integrated examination tools. Examiner dockets include the individual examiner new and amended docket which lists applications as regular, special, or expedited applications in priority order; the individual examiner rejected application docket;

and the individual examiner new application profile, which lists the totals of new applications in each docket. Various summaries of the above reports at the art unit, Technology Center (TC), and corps levels are also available.

II. BIWEEKLY TIME AND ACTIVITY REPORTS

All reporting of examiner time and activity is performed on a biweekly basis. Each examiner's examining and non-examining time, as entered in the USPTO's time and attendance system, is used by the integrated examination tools in the computation of productivity data. Examiners can view biweekly time and activity reports through the integrated examination tools, which include a list, by application number, of all applications for which actions have been counted during the biweekly period. The type of action counted for each application is also indicated on the report. The examiner may also review time data, an action summary, and cumulative summaries to date for the current quarter and fiscal year. Various summary reports at the Art Unit, TC, and Corps levels are also produced.

1705 Examiner Docket, Time, and Activity Recordation [R-07.2022]

Actions prepared by examiners are submitted electronically and sent to their respective legal instrument examiners for entry of the type of Office action into the USPTO's automated data management system and for mailing.

Each examiner's action that is counted and reported to the USPTO's integrated examination tools will be listed by application number on their individual time and activity report. The time and activity report should be checked by the examiner to verify that all applications worked on for the biweekly report period are properly listed.

I. COUNTING OF FIRST ACTION ON THE MERITS (FAOM)

Office actions on the merits consist of rejections (final and non-final), *Ex parte Quayle* actions, and allowances.

The first time an examiner performs one of the above merit actions, credit is received for a First Action on the Merits (FAOM) on the production reports.

A second/subsequent FAOM usually occurs when the first action is a mailed restriction/election action and the second action is an action on the merits. The USPTO's automated data management system will automatically determine if it is a FAOM. If the second action is a FAOM the examiner will be credited for FAOM on the production report.

II. COUNTING OF DISPOSALS

An examiner receives a “disposal” credit for the following actions:

- (A) Allowance;
- (B) Abandonment;
- (C) Requests for Continued Examination;
- (D) Examiner's Answer;
- (E) International Preliminary Examination Report; and
- (F) Institution of an interference or derivation proceeding wherein the application would be in condition for allowance but for the interference or derivation proceeding.

These same items constitute the “disposals” for performance evaluation of examining art units and TCs. However, disposals at the Office level consist only of allowances and abandonments.

For either an allowance or an abandonment after an Examiner's Answer or decision by a court or the Patent Trial and Appeal Board, no disposal credit is received, though these actions are indicated on the examiner's individual time and activity report.

III. CORRECTION INFORMATION

(A) If any information is either missing from or incorrect on an examiner's time and activity report, the examiner should promptly notify their supervisory patent examiner (SPE).

(B) The SPE will report the necessary changes and corrections directly into the integrated examination tools. These changes will be listed

dynamically on the examiner's individual time and activity report.

(C) If any information is missing from the last examiner's individual time and activity report at the end of a quarter (except at the end of a fiscal year) or is incorrect, the examiner should promptly notify their SPE and/or their TC troubleshooter. The troubleshooter will make the appropriate changes directly into the integrated examination tools. The changes will be listed dynamically on the examiner's individual time and activity report.

(D) In order to ensure that all reports are correct at the end of the fiscal year (rating period), or if any information is missing from or is incorrect on the last examiner's individual time and activity report, the examiner should immediately notify their SPE of any needed corrections. These changes will be reflected in the examiner's final biweekly time and activity report for the entire fiscal year.

1706-1719 [Reserved]

1720 Dissemination of Court and Patent Trial and Appeal Board Decisions [R-10.2019]

I. COURT DECISIONS

The Office of the Solicitor forwards to the Office of the Commissioner for Patents copies of all recent court decisions in patent cases where a precedential opinion is issued. The Office of the Commissioner for Patents will routinely forward these opinions to TC Directors, the Office of Patent Training, and the Director of the Office of Patent Quality Assurance.

TC Directors, in turn, are to make copies available to supervisors and other individuals as the TC Director determines to be appropriate. TC Directors are encouraged to discuss the contents of the opinions in their staff meetings, particularly where such meetings are being held to reinforce examination quality.

II. PATENT TRIAL AND APPEAL BOARD DECISIONS

A decision rendered by the Patent Trial and Appeal Board (Board) is returned to the examiner. The examiner takes action consistent with the decision rendered by the Board unless rehearing of the Board decision is requested ([MPEP § 1214.03](#)). The TC Director may circulate and discuss the decision among some or all of the supervisors in the TC, and the supervisors, in turn, may circulate the decision among the examiners in their art units, depending on the subject matter or issues in the decisions.

1721 Treatment of Court and Patent Trial and Appeal Board Decisions Affecting Patent and Trademark Office Policy and Practice [R-07.2022]

In the event the Patent Trial and Appeal Board (Board) or court decision is one that significantly adds to the body of law by, for example, addressing a new legal or procedural issue, or providing a new interpretation of a prior decision, such a decision may result in a United States Patent and Trademark Office (USPTO) memorandum pointing out the significance of the decision to the examination process.

When any examiner or supervisor in the Patent Examining Corps (Corps) concludes that a recent decision of the Board or a court affects existing USPTO policy or practice, the matter should be brought to the attention of the appropriate TC Director through normal chain-of-command procedures.

When the TC Director believes that guidance to the Corps is warranted as a result of a decision, the TC Director should consult with the Deputy Commissioner for Patents who oversees the Office of Petitions and provide a draft of the guidance that is recommended as appropriate under the circumstances. The Deputy Commissioner for Patents who oversees the Office of Petitions will then consult appropriate Office officials, as necessary, to formulate a recommendation to the Commissioner for Patents on the policy implications of the decision's opinion.

It may be necessary for the Director, General Counsel, Solicitor, Chief Administrative Patent Judge, Commissioner for Patents, one or more Deputy Commissioners for Patents and TC Director making the recommendation to meet to review and discuss the policy ramifications of the decision's opinion and recommended guidance to enable the Director to determine how the USPTO will proceed.

Communication of the determination of the policy implications of the court or Board decision will normally take place by either notice in the *Official Gazette* and/or via memorandum to USPTO personnel. Ultimately, the policy implications of the decision will be officially incorporated into the Manual of Patent Examining Procedure and Office of Patent Training curriculum materials during the next update cycle for these reference materials.

1722-1729 [Reserved]

1730 Information Sources [R-07.2022]

I. IN GENERAL

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO Contact Center at:

800-PTO-9199 or 571-272-1000
(TDD) 571-272-9950

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00 p.m. ET, Monday-Friday (excluding federal holidays).

For other technical patent information needs, the Inventors Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. ET.

General information can also be obtained in person from the Public Search Facilities of the USPTO. See subsection IV. below.

II. USPTO INTERNET SITE

A. *General Information*

The USPTO website (www.uspto.gov) provides a wealth of information to all users. The USPTO website offers links to news and notices (such as announcements, press releases, *Official Gazette* Notices and *Federal Register* Notices), USPTO contacts and addresses, activities and education related pages (such as the PTDL program and the Kids Pages), patent specific information (such as issued patents and published patent applications, general information pertaining to applying for a patent, electronic filing of patent applications, and reference materials such as the MPEP and examination guidelines), and trademark specific information (such as the Trademark Manual of Examining Procedure and the U.S. Trademark Electronic Search System (TESS)). In addition, the website allows downloading of a variety of USPTO forms (including PCT forms), ordering copies of patents and trademarks, accessing a list of all current fees, paying patent maintenance fees, replenishing deposit accounts, accessing various legal materials, linking to related websites, etc.

B. *Electronic Business*

The Patent Electronic Business Center (EBC) assists USPTO customers with electronic patent application submissions via the USPTO patent electronic filing system and with the review of patent applications in Private PAIR. The EBC offers online electronic filing information, instructional material, PatentIn and Checker support and is available to assist users through one-on-one support during its normal business hours. The EBC also serves as a liaison in directing customers to other USPTO organizations that can address their specialized business issues and needs. The hours of operation of the EBC are Monday through Friday, 6 a.m. - midnight (ET). The EBC can be reached by telephone at 866-217-9197 (toll-free) or 571-272-4100. The EBC may be reached by email at ebc@uspto.gov and by fax at 571-273-0177.

1. USPTO Databases

(a) **Issued Patents**

The Patent Grants Database provides access to the full-text of all U.S. patents issued since 1976, and to the full-page images of all U.S. patents issued since 1790.

(b) **Published Applications**

The Patent Applications Database provides both full-text and full-page images of all U.S. patent applications published since March 15, 2001.

(c) **Status Information**

Status information relating to patent applications is available through Patent Center and Private Patent Application Information Retrieval (PAIR). In Patent Center, information is available relating to issued patents, published patent applications, and applications to which a patented or published application claims domestic priority. In Private PAIR, an applicant (or a registered practitioner with power of attorney) can securely track the progress of the applicant's application(s) through the USPTO. Private PAIR makes available information relating to unpublished patent applications, but the applicant must associate a Customer Number with the application to obtain access. See [MPEP § 403](#) for Customer Number practice.

(d) **Image File Wrapper (IFW)**

The Image File Wrapper (IFW) system uses image technology to replace the paper processing of patent applications in the Office. Paper components of these application files (including the specification, oath or declaration, drawings, information disclosure statements, amendments, Office actions, and file jacket notations) have been scanned to create electronic image files. For patent applications in the IFW system, the IFW file is the Official file and no access is granted to the original paper document sheets used to create the IFW file. All processing and examination is conducted using the electronic images instead of the paper source documents.

If an IFW file has been created for a patented application, published application, or an application to which a patented or published application claims domestic priority, the IFW file (with the exception of non-patent literature) is accessible through Patent Center and Private PAIR. All patent applications filed after June 30, 2003 have been scanned into the IFW system and will be available in Patent Center and Private PAIR as soon as they have been published or patented. Non-patent literature (NPL) may be viewed using Private PAIR (if an IFW file has been created) or obtained from the Patent and Trademark Copy Fulfillment Branch of the Public Records Division.

Questions about IFW images viewed in Private PAIR should be directed to the Patent EBC.

(e) Assignments on the Web (AOTW)

Assignment information is available for issued patents and published applications recorded since August 1980. AOTW is available at

www.uspto.gov/patent/laws-and-regulations/power-attorney-and-assignment/assignments-web-aotw. Questions or concerns regarding the data displayed may be directed to the Assignment Services Division at assign@uspto.gov or 571-272-3350.

(f) Global Dossier Public Access

Global Dossier Public Access provides secure, online, one-stop access to and management of dossier information of all applications that comprise a family and that have been filed in multiple participating patent offices. This includes the IP5 Offices, international applications filed under the Patent Cooperation Treaty (PCT), as well as patent applications from World Intellectual Property Organization-Centralized Access to Search and Examination (WIPO-CASE) participating offices. Global Dossier includes a Citation List that provides a comprehensive listing of relevant citations in related applications that share a common priority claim. By using this service, examiners are able to view Office actions (along with machine translations), citations, and classification data for those applications in real time. In addition, Global Dossier provides Office action Indicators to assist

examiners quickly identify applications that contain Office actions. See www.wipo.int/case/en/ for additional information regarding WIPO-CASE. For more information regarding the Global Dossier see www.uspto.gov/GlobalDossier.

2. Transacting Electronic Business

(a) Filing Applications and Other Documents

The USPTO patent electronic filing system allows customers to electronically file patent application documents securely via the Internet. See the Legal Framework for Patent Electronic System

(www.uspto.gov/patents-application-process/filing-online/legal-framework-efs-web)

for submissions via EFS-Web. See also [MPEP § 502.05](#).

(b) Paying Fees and Replenishing Deposit Accounts

The Office of Finance Online page Fees Self-Service Portal available at www.uspto.gov/FinancialManager may be used to access the Patent Maintenance Fees Storefront to pay maintenance fees, the Financial Manager to maintain and replenish deposit account, or the current USPTO Fee Schedules.

(c) Ordering Copies and Publications

Copies of patent applications as filed and patent file wrappers that have been issued or published are available online from the Certified Copy Center (CCC) Storefront at the MyUSPTO log in link (<https://my.uspto.gov>) or at <https://certifiedcopycenter.uspto.gov>. Presentation patents (a certified copy of the first page of an issued patent having a special ribbon and seal available for commemorative purposes) may also be ordered. Contact the Patent and Trademark Copy Fulfillment Branch of the Public Records Division at 1-800-972-6382 or 571-272-3150 for more information.

III. PCT

For questions and information concerning the Patent Cooperation Treaty (PCT), the PCT Help Desk is available to provide assistance and may be reached by telephone at 571-272-4300 between the hours of 8:30 a.m. and 5:00 p.m. (ET), Monday through Friday, or by facsimile at 571-273-0419, 24 hours a day. In addition, helpful information is available through the Internet at the International Patent Legal Administration page of the USPTO website at www.uspto.gov/PatentCooperationTreaty and at the World Intellectual Property Office website (www.wipo.int/portal/en/index.html).

IV. USPTO SEARCH AND INFORMATION RESOURCE FACILITIES

The following USPTO search and information resource facilities are accessible to the public:

(A) Public Search Facility (Madison East, first floor, 600 Dulany St., Alexandria, VA 22314) at 571-272-3275

(Hours: Weekdays, 8:00 a.m. to 8:00 p.m., ET);

(B) Scientific and Technical Information Center

(1) Main Library (Remsen Bldg., first floor, 400 Dulany St., Alexandria, VA 22314) at 571-272-3547

(2) Biotech/Chemical Library (Remsen 1D58) at 571-272-2520

(Hours: Weekdays, 8:30 a.m. to 5:00 p.m., ET); and

(C) Application Assistance Unit (AAU) may be reached via email at HelpAAU@uspto.gov or via phone at 571-272-4000 or toll free at 888-786-0101.

(Hours: Weekdays, 8:30 a.m. to 5 p.m., ET).

V. REGISTERED PRACTITIONERS

The USPTO cannot recommend any particular attorney or agent, or aid in the selection of an attorney or agent. See [MPEP § 401](#). A list of *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* is available on the USPTO website at

www.uspto.gov/FindPatentAttorney.

VI. MISCELLANEOUS

A. *Recently Filed Applications*

For information and questions concerning recently filed patent applications and filing receipts, contact the Application Assistance Unit at 571-272-4200 (hours: weekdays, 8:30 a.m. to 5:00 p.m., ET).

B. *Pre-Grant Publication*

For inquiries concerning projected pre-grant publication dates, contact the Application Assistance Unit at 571-272-4200.

C. *Status Information*

Status information relating to patent applications is available through Patent Center or Private Patent Application Information Retrieval (PAIR). Alternatively, applicants may contact the Application Assistance Unit at 571-272-4200.

D. *Correspondence*

For information pertaining to mail, facsimile, or hand-delivery of correspondence to the USPTO, see [MPEP §§ 502 - 502.01](#). For information pertaining to Internet electronic mail (email) correspondence with the USPTO, see [MPEP § 502.03](#).

E. *Copies of Documents*

Inquiries regarding certified or uncertified copies of documents, including patent applications-as-filed, patent related file wrappers, and patent copies, should be directed to the Public Records Division's (PRD) Patent and Trademark Copy Fulfillment Branch Customer Service at 571-272-3150 or 1-800-972-6382. The Certified Copy Center (CCC) Storefront allows USPTO customers to order certified copies from both published and unpublished patent applications. The CCC Storefront provides a one-stop shop solution for certified copies of documents from both published and unpublished patent applications by including a mechanism for customers to demonstrate their authority to access unpublished patent documents. Access to the CCC

Storefront is located at the MyUSPTO log in link (<https://my.uspto.gov>) or at <https://certifiedcopycenter.uspto.gov>. Customers will need to have an USPTO.gov account to access the CCC Storefront.

F. Maintenance Fees

Information regarding maintenance fees may be obtained from the Private Patent Application Information Retrieval (PAIR) system on the USPTO website, or by contacting the Receipts Accounting Division at 571-272-6500. See [MPEP § 2570](#) for additional information.

G. Assignments

For questions pertaining to filing assignments or other documents affecting title, contact Assignment Recordation Branch at 571-272-3350 or email questions to EPAS@uspto.gov. Documents may be submitted to the Assignment Branch by facsimile at 571-273-0140. See [MPEP § 302.09](#) for additional information.

H. Petitions

Petitions regarding the filing of patent applications, revival of abandoned applications, reinstatement of expired patents, withdrawal of patent applications from issue, small entity entitlement, review of previous decisions of the Technology Centers, suspension of regulations, and questions not specifically provided for by regulations are administered by the Office of Petitions. See [MPEP § 1002.02\(b\)](#). For matters decided by the Office of Petitions, the appropriate USPTO personnel may be reached at the Petitions Help Desk at 571-272-3282.

Resource information and reference materials regarding petitions handled by the Office of Petitions are available at www.uspto.gov/patents/apply/petitions. The website also describes various ways available to file petitions, including EFS-Web, mail (United States Postal Service (USPS) and non-USPS), ePetition, facsimile, and hand carry. Note that a petition to withdraw an application from issue may be filed as an ePetition or sent by facsimile to 571-273-0025 (all other facsimile transmissions to the Office of

Petitions should be sent to the Central FAX Number 571-273-8300). Urgent petitions to withdraw an application from issue may also be filed as an ePetition.

I. PatentIn

For help related to downloading the PatentIn software program or using PatentIn, contact the Patent Electronic Business Center at 866-217-9197 or via email at ebc@uspto.gov (see subsection II.B. above). See [MPEP § 2430](#) for additional information.