

(Also referred to as FORM PTO-1465)

REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM

File via the USPTO patent electronic filing system, **or send to:**

Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: _____

Date: _____

1. ☐ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number _____ issued _____.
2. The request is made by ☐ patent owner. ☐ third party requester.
- ☐ a. Third party requester opts to remain anonymous in accordance with 35 U.S.C. 301(e) and 37 CFR 1.501(d). Do not check box 2b.

OR

- ☐ b. The name and address of the person requesting reexamination is:

3. Requester ☐ asserts small entity status (37 CFR 1.27) or ☐ certifies micro entity status (37 CFR 1.29). Only a patent owner requester can certify micro entity status. Form PTO/SB/15A or B must be attached to certify micro entity status.
4. This request is accompanied by payment of the reexamination fee as set forth in:
- ☐ 37 CFR 1.20(c)(2); **or**
- ☐ 37 CFR 1.20(c)(1). **In checking this box for payment of the fee set forth in 37 CFR 1.20(c)(1), requester asserts that this request has forty (40) or fewer pages and complies with all other requirements of 37 CFR 1.20(c)(1).**

Payment of the reexamination fee is made by the method set forth below.

- a. ☐ A check in the amount of \$_____ is enclosed to cover the reexamination fee;
- b. ☐ The Director is hereby authorized to charge the reexamination fee to Deposit Account No. _____;
- c. ☐ Payment by credit card. Form PTO-2038 is attached; **or**
- d. ☐ Payment made via the USPTO patent electronic filing system.

- ☐ In addition, the Director is hereby authorized to charge any fee deficiencies to Deposit Account No. _____.

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A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0064. Public burden for this form is estimated to average 55 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Submit fees or completed forms via the USPTO patent electronic filing system, or send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

5. ☐ Any refund should be made by ☐ check or ☐ credit to Deposit Account No. _____.
37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.
6. ☐ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).
7. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
☐ Landscape Table on CD
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. – c. are required.
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM (2 copies) or CD-R (2 copies) **or**
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies.
9. ☐ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
10. ☐ Reexamination of claim(s) _____ is requested.
11. ☐ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
12. ☐ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is attached.
13. ☐ The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1).
- b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2).
14. ☐ A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).
15. ☐ It is certified that the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) do not prohibit requester from filing this *ex parte* reexamination request. 37 CFR 1.510(b)(6).
16. Service
- a. ☐ In accordance with 37 CFR 1.510(b)(5), it is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner at the address as provided for in 37 CFR 1.33(c), in a manner of service compliant with 37 CFR 1.248.
- The name and address of the party served are:
- _____
- _____
- _____
- Date of Service: _____

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Manner of Service under 37 CFR 1.248:

- ☐ By delivering a copy of the paper to the person served.
- ☐ By leaving a copy at the usual place of business of the person served with someone in his employment.
- ☐ When the person served has no usual place of business, by leaving a copy at the person's residence, with some person of suitable age and discretion who resides there.
- ☐ Transmission by first class mail. When service is by mail the date of mailing will be regarded as the date of service.

OR

- b. ☐ Service on the patent owner was not possible. An explanation of the efforts made to serve patent owner **is attached**. See MPEP 2220. A duplicate copy of the request is also attached, unless the request is filed using the USPTO patent electronic filing system.

17. Correspondence Address: Direct all communication about the reexamination to:

- ☐ The address associated with Customer Number:

OR

- ☐ Firm or Individual Name _____
(at the address identified below)

Address

City

State

Zip

Country

Telephone

Email

18. ☐ The patent is currently the subject of the following concurrent matter(s):

- a. ☐ Copending reissue application no.: _____
- b. ☐ Copending reexamination control no.: _____
- c. ☐ Copending interference or PTAB trial no.: _____
- d. ☐ Copending litigation: _____
- e. ☐ See additional sheet(s)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Authorized Signature

Date

Typed/Printed Name

Registration No.

☐ For Patent Owner Requester

☐ For Third Party Requester

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013), www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf.

Routine uses of the information in this record may include disclosure to: 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law; 2) a federal, state, local, or international agency, in response to its request; 3) a contractor of the USPTO having need for the information in order to perform a contract; 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record; 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations; 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals; 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)); 9) the Office of Personnel Management (OPM) for personnel research purposes; and 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.