

# Mandatory Notice

## 5.1 Approved/Rejected

The rules require that parties to a proceeding provide certain mandatory notices, including identification of the real parties-in-interest, related matters, lead and back-up counsel, and service information. § 42.8.

- If the party is the Petitioner, the required mandatory notices are typically submitted as part of the petition. See §§ 42.104, 42.204, 42.304, 42.405.
- If the Party is the Patent Owner, or applicant in the case of derivation the required mandatory notices are to be filed within 21 days of service of the petition. § 42.8(a) (2).
- Where there is a change of information, a party must file a revised notice within 21 days of the change. § 42.8(a) (3).

The mandatory notices will either be approved or rejected as discussed in sections 5.1.1 and 5.1.2 below depending on whether they meet the requirements of § 42.8.

### 5.1.1 Petition – approved with petition filing

The Petitioner's mandatory notices are to be filed as part of the petition. After the Petition is filed, the Patent Trial and Appeal Board (PTAB) will review the Petition and either accept it or identify it as deficient. If the Petition is approved, the mandatory notices are therefore approved as they are included in the Petition. One of the possible reasons for marking a petition as deficient is if the mandatory notices do not satisfy the requirements of § 42.8.

### 5.1.2 Patent Owner or Respondent – will be approved by PTAB

Once the Patent Owner's mandatory notice is submitted, the Board will review the information to confirm that the user is facially authorized to act as the patent owner or respondent.

If the PTAB determines that the user is facially authorized to act as the patent owner or respondent, the mandatory notice will be approved.

After the mandatory notice has been approved, the case will appear in the user's docket. Approval of the mandatory notice is a prerequisite for acting as the patent owner or respondent in the case. Thus, the mandatory notice must be approved before the patent owner or respondent can file a document, such as a preliminary response.

PTAB E2E allows users to check the status of a submitted mandatory notice.

To check the status of a submitted mandatory notice:

1. Click on “My Docket” on the top navigation bar (see Figure 1: My Docket, item 1 below)

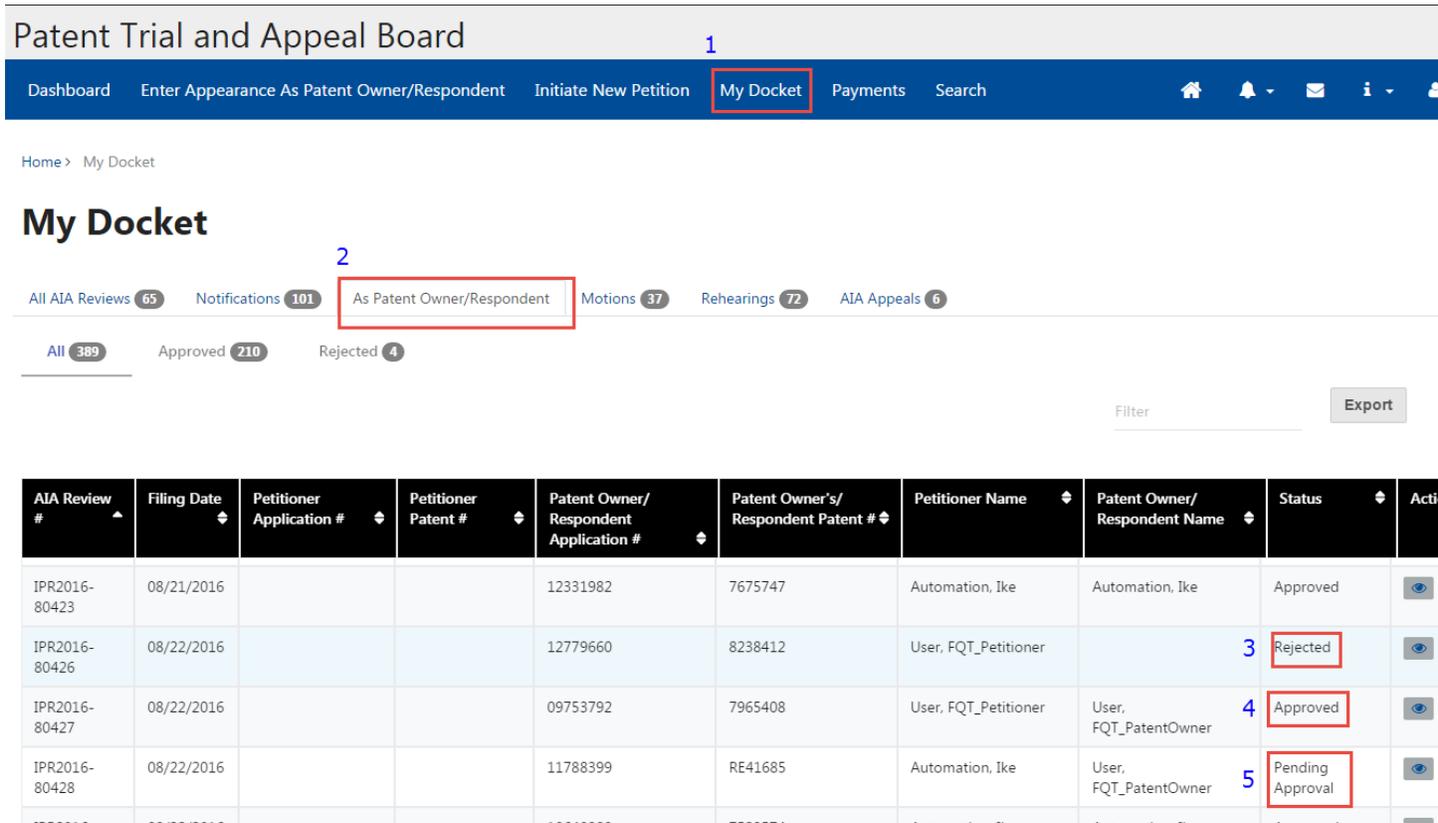


Figure 1: My Docket

2. Click on the “As Patent Owner/Respondent” tab (see Figure 1: My Docket, item 2 above)
3. Find the “AIA Review Number” you want to check
4. View the “Status” of the corresponding “AIA Review Number”
  - a. If the Mandatory Notice has been rejected, the status will be “Rejected” (Figure 1: My Docket, item 3)
  - b. If the Mandatory Notice has been approved the status will be “Approved” (Figure 1: My Docket, item 4)
  - c. If the Mandatory Notice has been filed and not been approved nor rejected, the status will be “Pending Approval” (Figure 1: My Docket, item 5)