

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



USPTO Inventor Info Chat Series:

Office of Innovation Development

Presenters: Charles Kim & Namrata (Pinky) Boveja

Moderator: Robert Hodge

July 20, 2017

Email questions to:
inventorinfochat@uspto.gov

UNITED STATES
PATENT AND TRADEMARK OFFICE



Office of Innovation Development

- In Person Assistance (by appointment) for Pro Se Applicants
- Assistance Hotline 1-866-767-3848
- Patent Email Support innovationdevelopment@uspto.gov
- PTRC Partnership for Patent Education Courses
 - Virtual Assistance Pilot Program
- Inventor Outreach
 - Independent Inventor Conferences
 - Education for Inventor Organizations
- <http://www.uspto.gov/inventors>

Overview

- **What is a Petition**
 - Five Components of a Petition
- **Specific Petition Types**
- **Helpful Hints**

Send your questions to:

inventorinfochat@uspto.gov

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Channels for Review

- Appeal
 - Challenges relating to the rejection of claim(s) (twice rejected)
- Petition
 - Certain action/inaction of examiner or other USPTO official that is not subject to appeal



What is a petition?

A formal written request made to an official person or organized body.

Merriam-Webster Dictionary

Five Components of a Petition

1. Must be in writing -37 CFR 1.2
 - Each distinct subject in a separate paper-37 CFR 1.4(c)
 - Should be directed to deciding official (MPEP 1000)
 - Must be properly signed – 37 CFR 1.33(b)

Five Components of a Petition (Contd.)

2. Must contain a statement of:

- Facts involved
- Points to be reviewed
- Relief requested

Note:

Copies of all evidence **MUST** be included



Five Components of a Petition (Contd.)

3. Must be accompanied by Fee, if required, to avoid summary dismissal

Note:

Recommend a general authorization to charge deposit account



Five Components of a Petition (Contd.)

4. Must be timely filed per regulation or statute
 - Two (2) months for any renewed petition, unless otherwise specified
 - The mere filing of a petition does not stay the period for reply or other proceedings



Five Components of a Petition (Contd.)

5. Must comply with any specific requirements as provided by statute, regulation or USPTO Policy

- Such as...
 - Fees
 - Terminal Disclaimers
 - Notification of foreign filing, etc.

Decision Types

- **Grant**
- **Dismissal (intermediate refusal)**
- **Denial (final agency action)**

Office of Petitions

...is the central repository for deciding most petitions, including those signed by the Commissioner or other top USPTO officials.

MPEP 1002.02(b)



Petitions Handled in the Office of Petitions

- The Office of Petitions handles over 45 different petition types
- See the link below for further guidance on the petitions handled by the Office of Petitions.
<http://www.uspto.gov/patents-application-process/petitions>
- See generally MPEP 1002.02 to determine the deciding Office for various petition types



Frequently Filed Petitions in the Office of Petitions

- Patent Prosecution Highway (PPH)
- Revival Based on Unintentional Delay in Abandoned Application
- Track One (Prioritized Examination)
- Unintentionally Delayed Claim for Priority
- Withdrawal of Attorney From Application



Patents Petitions Timeline

- Provides applicants access to data on petitions that can be submitted during each stage of patent prosecution process
- Provides information related to each specific petition and deciding office.
- Provides information on both the historical grant rates and the pendency of decided petitions
- The Patents Petitions Timeline can be found at: <https://www.uspto.gov/patents-application-process/petitions/timeline/patents-petitions-timeline#step1>



Patents Petitions Timeline (Contd.)

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Patents Petitions Timeline

The **Patents Petitions Timeline** provides applicants access to petitions that can be submitted during each stage of patent prosecution process and information related to each specific petition and deciding office. Also, the timeline provides information on both the historical grant rates and the pendency of decided petitions.

1	PRIOR TO EXAMINATION
2	DURING EXAMINATION
3	AFTER CLOSE OF PROSECUTION
4	ALLOWANCE/AFTER PAYMENT OF ISSUE FEE
5	POST ISSUANCE

PRIOR TO EXAMINATION

- Abandonment Related
- Access
- Advancement of Examination
- Application Publications
- Assignee Related
- Conversion of Applications
- Correction of Inventorship
- Entity Status
- Expunging Papers
- Extensions of Time
- Filing Date Related
- Foreign Priority or Domestic Benefit Related
- General and Misc
- Public Use Related
- Retroactive Foreign Filing Licenses
- Specifically Related To International Applications
- Suspension or Waiver of Rules (not provided for in any Statute)
- Withdrawal of Attorney Related

DURING EXAMINATION

- Abandonment Related
- Access
- Advancement of Examination
- Application Publications
- Assignee Related
- Conversion of Applications
- Correction of Inventorship
- Entity Status
- Expunging Papers
- Extensions of Time
- Filing Date Related
- Foreign Priority or Domestic Benefit Related
- General and Misc
- Public Use Related

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Patents Petitions Timeline (Contd.)

Withdrawal of Attorney Related Petitions

IPLA – International Patent Legal Administration
 CRU – Central Re-Examination Unit
 OPLA – Office of Patent Legal Administration

Generally Available

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office	ePetition Option
307 - Withdrawal of Attorney (37 CFR 1.36)	105	62%	OPET	
703 - For Withdrawal of Attorney in Proceedings under 37 CFR 1.36	28	100%*	CRU	

Prior to Examination

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office	ePetition Option
298 - Withdrawal of Power of Attorney	149	67%*	IPLA	
Please scroll to the top of this page to view other Petition Types that are available during this stage.				

*Infrequently Filed Petition

This is a 12 Month Rolling Average.
 The data is current as of April 1, 2017 and is updated quarterly.

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 inventorinfochat@uspto.gov





- ePetitions can be completely filled out online
- Decisions are instantaneous and uploaded to IFW
- ePetitions will only be accepted if every requirement is satisfied, therefore the only decision of record is a grant
- When the ePetition is granted, petitioner will receive an acknowledgement receipt that will also include a grant letter confirming approval of the ePetition
- Newly developed ePetitions Computer Based Training is available at: <https://www.uspto.gov/patents-application-process/applying-online/epetition-resource-page>
- A Quick Start Guide for ePetitions is available at: <http://www.uspto.gov/patents/process/file/efs/guidance/epetition-quickstart.pdf>



ePetitions

GET IMMEDIATE DECISIONS

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Quick links

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- Filing online
 - EFS-Web Announcements
 - FAQS
 - First Action Interview
 - New Users
 - ePetitions**
 - eTerminal Disclaimer

ePetition Resource Page

The ePetitions Resource Page provides useful information and guidance regarding the submission, automatic processing, and immediate grant of ePetitions.



- **Secure Filing with Auto-Grant.** Filing an ePetition via EFS-Web automates the petition process and allows petitioners to directly input the requisite information into a secure Web interface and immediately receive an ePetition decision.
- **Saves Time when Immediate Petition Decisions are Important.** Time savings using ePetitions is especially advantageous for critical petitions where an automatic petition grant would reduce delays in restoration of patent rights, expedite withdrawal from representation and redirect Office correspondence to the new correspondence address, and initiate the revival of an abandoned application to save patent term adjustment time.
- **Increased accuracy** by providing immediate feedback to petitioners on the necessary filing requirements.
- **Current statistics** regarding the pendency and grant rate comparisons between filing an ePetition and non-ePetition are available on our [Dashboard](#).

For questions regarding Patent e-Filing, or to suggest improvements to the online system, please send an email to ebc@uspto.gov or call the Patent Electronic Business Center at **1-866-217-9197** (toll free) or **571-272-4100** from 6 a.m. to 12 Midnight Eastern Time, Monday - Friday.

ePetitions Computer Based Training (CBT)

The CBT provides an overview of ePetitions and includes a step-by-step demonstration that illustrates how quick and easy it is to submit the Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36) via ePetition.

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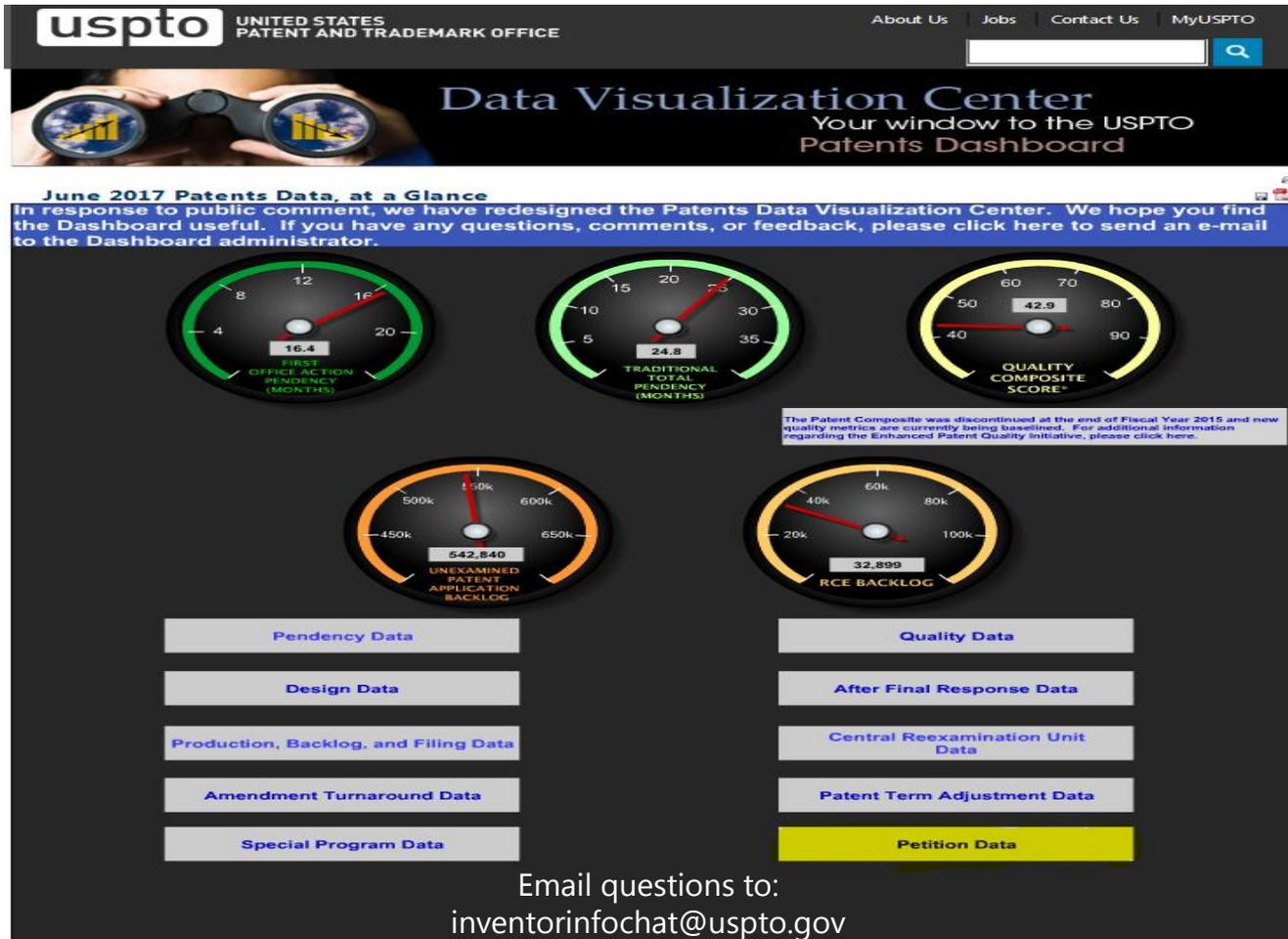


Web-based ePetitions:

- **Petition to Make Special Based on Age (37 CFR 1.102)**
- **Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36)**
- **Petitions to Withdraw from Issue after Payment of the Issue Fee**
- **Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2))**
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3))
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2) with Assigned Patent Number)
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3) with Assigned Patent Number)
- **Petitions for Revival**
 - Petition to Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))
 - Petition for Revival of an Application based on Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))
 - Petition for Revival of an Application for Continuity Purposes Only (37 CFR 1.137(a))
 - Petition for Revival of an Abandoned Patent Application Abandoned Unintentionally (37 CFR 1.137(a)) (For Cases Abandoned After 1st Action and Prior to Notice of Allowance)
- **Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))**
- **Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(b))**



Data Visualization Center



Frequently Filed Petitions



The banner features the USPTO logo on the left, navigation links for 'About Us', 'Jobs', 'Contact Us', and 'MyUSPTO' on the right, and a search bar. Below the navigation is a large image of hands holding binoculars, with a bar chart and line graph visible through the lenses. The text 'Data Visualization Center' is prominently displayed in the center, with the tagline 'Your window to the USPTO Patents Dashboard' below it.

Frequently Filed Petitions in the Office of Petitions

Petition Type	Avg Days Pending of Decided Petitions in the Past 12 Months	Grant Rate Percent of Total Petitions Decided in the Past 12 Months
To Make Entity Status Large from Small	127	49%
To Join Track One (Prioritized Examination)	40	94%
To Join Patent Prosecution Highway (PPH)	75	79%
To Make Application Special on Grounds of Age or Health	69	93%
Revival Based on Unintentional Delay in Abandoned Application	166	78%
To Accept Unintentionally Delayed Claim for Priority	149	66%
Withdrawal of Attorney From Application	172	32%
Issue Patent in the Name of Assignee After the Issue fee is Paid	194	85%
To Accept Unintentional Delayed Payment of the Maintenance Fee	183	74%
Patent Term Adjustment After Patent Issued	226	52%

The patent term adjustment petitions were delayed due to the Federal Circuit deciding *Novartis AG v. Lee* and these petitions are currently being processed.

June 2017

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inventorinfochat@uspto.gov



E-Petitions and Non E-Petitions Data

The screenshot shows the USPTO Data Visualization Center Patents Dashboard. The table below displays data for various petition types, including their counts, average pending days, and grant rates.

Petition Type	Total E-Petitions Decided/Filed in Past 12 Months	Average Days Pending of E-Petitions	Grant Rate Percent of Total E-Petitions Decided in the Past 12 Months	Total Non-E-Petitions Decided in the Past 12 Months	Average Days Pending of Non-E-Petitions Decided in the Past 12 Months	Grant Rate Percent of Total Non-E-Petitions Decided in the Past 12 Months
To Make Application Special on Grounds of Age or Health	1,665	0	100%	1,427	69	93%
Revival based on Unintentional delay in abandoned application	1068	0	100%	5,981	166	78%
Revive Abandoned Application for Failure to Notify the USPTO of Foreign Filing	109	0	100%	61	165	77%
Revive a Patent Application for Continuity Purposes Only When Abandoned Unintentionally	91	0	100%	81	128	94%
Withdrawal of Attorney From Application	1,711	0	100%	1910	172	32%
Withdraw Application From Issue After Issue Fee is Paid	2,262	0	100%	194	6	84%
Revive Patent Application for Unintentional Late Payment of the Issue Fee	642	0	100%	2025	149	75%
Withdraw From Issue Patent Application With Patent Number Assigned	2,974	0	100%	258	3	90%
Withdraw Patent Application From Issue to Expressly Abandon	17	0	100%	15	26	67%
Issue Patent in the Name of Assignee After the Issue Fee is Paid	163	0	100%	519	194	85%
To Accept Unintentional Delayed Payment of the Maintenance Fee	1,587	0	100%	861	183	74%

[For additional information on the above petitions, please click here.](#)

[To view the Petitions Timeline, please click here.](#)

June 2017

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Petitions to Make Special

OPET decides Petitions

- To make special for Age/Health
- Under Patent Prosecution Highway
- For Prioritized Examination
- Cancer Immunotherapy Pilot Program

Technology Center decides Petitions under Accelerated Examination

- Other petitions to make special will be processed using the revised procedure for accelerated examination. ([MPEP § 708.02a](#)) See the form PTO/SB/28.



Petitions to Make Special (Contd.)

Age GET IMMEDIATE DECISIONS

- Provide a signed statement from applicant or a registered practitioner that he or she has evidence that the applicant is 65 years of age or older
- Use the form PTO/SB/130

Health

- Provide a signed statement from applicant or a registered practitioner along with evidence (e.g. doctor's certificate) showing that applicant's health is such that he or she may not be available to assist in the prosecution of the application if it runs its normal course



Petitions to Make Special (Contd.)

Patent Prosecution Highway (PPH)

- The Patent Prosecution Highway (PPH) speeds up the examination process for corresponding applications filed in participating intellectual property offices
- Requirements:
 - The foreign patent office must rule that at least one claim is patentable, and the claims before the USPTO must sufficiently correspond to the claims found allowable
 - Must be filed electronically via EFS-Web
 - Examination of the U.S. application has not begun
 - The relationship between the U.S. and foreign application must be clear
 - Non-English documents must be accompanied by an English translation and a copy of the foreign language document

Further guidance and forms provided on USPTO website

<http://www.uspto.gov/patents-getting-started/international-protection/patent-prosecution-highway-pph-fast-track>



Petitions to Make Special (Contd.)

Prioritized Examination (Track One)

- Provides quicker examination - final disposition within about 12 months
- Fewer requirements than accelerated examination program and without having to perform a pre-examination search
- Requires fees under 37 CFR §§ 1.17(c) and 1.17(i)
- May be filed with a new application or with a Request for Continued Examination (RCE)



Petitions to Make Special (Contd.)

Accelerated Examination

- Provides quicker examination - final disposition within about 12 months
- Requirements:
 1. Submit the petition and fee (where appropriate)
 2. File the request with respect to an application filed under 35 USC 111(a)
 3. File the application via the EFS or EFS-Web; also all follow-on submissions
 4. File a complete application complying with 37 CFR 1.51
 5. File 3 or fewer independent claims and no more than 20 claims total
 6. File an application for a single invention or agree to elect without traverse a single invention for examination
 7. Agree to an interview with the examiner to discuss any outstanding issues arising in the examination process
 8. Conduct a pre-examination search
 9. Provide an accelerated examination support document



Petitions to Make Special (Contd.)

Cancer Immunotherapy Pilot Program

- Permits earlier review of patent applications pertaining to cancer immunotherapy
- Provides quicker examination - final disposition within about 12 months
- No fee required
- Requirements are set forth in 37 CFR 1.102(d)
- Pilot extended until December 31, 2018
- <https://www.federalregister.gov/documents/2017/06/23/2017-13122/extension-of-the-cancer-immunotherapy-pilot-program>



Petitions Relating to Priority Claims

- Petitions to accept unintentionally delayed claims under 37 CFR 1.55 and 1.78
- Must include proper specific reference to prior-filed application, including foreign priority claims, in a properly executed application data sheet (ADS).
- Presence of the priority claim in the first sentence of the specification or oath/declaration will not be recognized for applications filed on/after September 16, 2012



Restoration of Priority or Benefit

The Patent Law Treaty (PLT) and The Patent Law Treaties Implementation Act (PLTIA) provide for restoration of:

- Right of foreign priority in applications filed more than twelve months (six months in designs) after the filing date of the foreign application.
- Domestic benefit of a provisional application in applications filed more than twelve months after the filing date of the provisional application.

Restoration of Priority or Benefit (Contd.)

- PLT and PLTIA require that the delay in filing the “subsequent” application within the priority or benefit period have been unintentional
 - Not an “extension” of the priority or benefit period
- PLTIA requires that the “subsequent” application have been filed within two months of the expiration of the twelve-month (six-month in designs) priority or benefit period



Restoration of Priority or Benefit (Contd.)

Petition to restore the right of priority or benefit must include:

- Priority or benefit claim,
- Petition fee under 1.17(m) (currently \$1700 for large entity and \$850 for small entity - No Micro-entity discount), and
- Statement that the delay in filing the subsequent application was unintentional.

For further information on PLT and PLTIA, see:

- http://www.uspto.gov/patents/init_events/patent_law_treaty.jsp

Petitions Relating to Abandonment

Two Types:

- Petition for Withdrawal of Holding of Abandonment – 37 CFR 1.181
- Petition to Revive under Unintentional Standard – 37 CFR 1.137(a)

Note:

The unavoidable standard was eliminated as of December 18, 2013, the effective date of the Patent Law Treaties Implementation Act of 2012.



Petitions Relating to Abandonment (Contd.)

Petition for Withdrawal of Holding of Abandonment

Two Common Scenarios:

- “I never got the Office action”
- “I DID respond to the Office action in a timely manner”

Petitions Relating to Abandonment (Contd.)

Withdrawal of Holding of Abandonment - "I never got the Office action."

- MPEP 711.03(c) provides information relating to evidence that can demonstrate non-receipt of an Office communication
- Although Pro-Se applicants may not keep a formal docket record system for Office correspondences, Pro-Se petitioners must still provide sufficient showing of non-receipt
 - E.g., explain the manner in which petitioner receives mail from USPTO, maintains files for patent matters, and treats mail received for such matter



Petitions Relating to Abandonment (Contd.)

Withdrawal of Holding of Abandonment - ""I DID respond to the Office action in a timely manner""

Timeliness of Reply can be established using one of the following:

- Itemized postcard receipt or electronic acknowledgement receipt (MPEP 502)
- Priority Mail Express (37 CFR 1.10, MPEP 513)
- Certificate of Mailing/Transmission practice (37 CFR 1.8, MPEP 512)



Petitions Relating to Abandonment (Contd.)

Petition to Revive Under 37 CFR 1.137(a)- Unintentional Delay

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by :

- the required reply, unless previously filed;
- the petition fee as set forth in § 1.17(m);
- a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- any required terminal disclaimer and fee



Petitions Relating to Abandonment (Contd.)

Avoid the Office of Petitions all together!



- e-Petition filed under 37 CFR 1.137(a) - this automated petition may be used to revive an abandoned application where the delay was unintentional (for cases abandoned after 1st action and prior to notice of allowance)
- Petitioner directly inputs the requisite filing information into a secure EFS-Web interface
- Petition is auto-processed and immediately granted upon submission if all requirements are met
- The reply (e.g. a submission in response to a Notice to File Missing Parts) may be attached at the EFS-Web interface

Email questions to:
inventorinfochat@uspto.gov



Petitions Relating to Abandonment (Contd.)

37 CFR 1.137(a) ePetition NOT available for petitions requiring:

- A Terminal Disclaimer, such as for a Design application or an application filed before June 8 1995;
- After Final amendments that are not accompanied by an RCE;
- Submissions after allowance or applications under appeal;
- Applications undergoing re-examination; and
- Applications abandoned for more than 2 years.

Helpful Hints

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Helpful Hints

Document Codes

- Petitions that are filed without the proper document code can result in delays in processing the petition
 - Use of 'letter' or 'miscellaneous' codes can cause delays unless someone reviews and identifies these papers as a petition and notifies the appropriate office of the petition
 - "PET.OP" is the most frequently used document code for most petitions handled by the Office of Petitions



Helpful Hints (Cont.)

Last-Minute Filings

- Oath/Dec
 - Applicant can now defer filing until the NOA is issued. However, application goes abandoned by law if Oath/Dec not filed by time the issue fee is paid
 - It may become difficult to obtain all the necessary signatures (e.g., inventor may refuse to sign)
 - May need to file a petition to accept Oath/Dec without all signatures

Helpful Hints (Cont.)

Last-Minute Filings (Cont).

- **Benefit/Priority Claims**
 - Ensure benefit/priority information is properly listed in the ADS
 - Do NOT complete filing by reference section of ADS if you are filing a specification and any drawings
 - Promptly review the filing receipt to verify accuracy of benefit/priority information
 - Using Web-based ADS can help ensure that information that is being changed is correctly identified with underlining for insertions, and strike-through for text removed
 - www.uspto.gov/sites/default/files/documents/Quick%20Start%20Guide%20WebADS.pdf
 - www.uspto.gov/sites/default/files/documents/Corrected-WebADS-QSG.pdf
 - Petitions for unintentionally delayed benefit/priority claims can be costly and can cause prosecution delays



Helpful Hints (Cont.) – ADS Example

PTO/AIA/14 (11-15)
Approved for use through 04/30/2017. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One: Customer Number US Patent Practitioner Limited Recognition (37 CFR 11.9)

Customer Number

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78. When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.



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Helpful Hints (Cont.) – Filing Receipt Example

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
59/956,507	02/03/2014	3773	1260	45456-0102	12	1

12346

CONFIRMATION NO. 7285

FILING RECEIPT



*OC0000057605684

Inventor(s)
Charles Jordan, Sr. Brooklyn, NY
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Applicant(s)
VICTOR PEST CONTROL COMPANY
Assignment For Published Patent Application
VICTOR PEST CONTROL COMPANY

Power of Attorney: The patent practitioners associated with Customer Number 12346.

Domestic Priority data as claimed by applicant
NONE

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.)
REPUBLIC OF KOREA 12-2013-004567892 10/2/2013
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Domestic Benefit Data

Foreign Priority Data



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Helpful Hints (Cont.)

Last-Minute Filings (Cont.)

- **Withdraw From Issue**
 - Request must be granted before mid-night on Monday the day before the patent issues
 - Merely filing the petition before the patent issues does not prevent the patent from issuing
 - File via e-Petition for immediate processing  GET IMMEDIATE DECISIONS
 - Otherwise, could result in delays in processing and the patent issuing

Helpful Hints (Cont.)

Reminder: Petitions Are Not A Response To An Office Action

- Petitions do not stop the time running against an applicant for filing a response to an Office action
- Even if applicant is asking for review of the decision by the Office of Petitions, a response must be filed before the period for reply expires or the application will become abandoned

Helpful Hints (Cont.)

Reminder: Communications To Office Must Be in Writing

- **Verbal agreements do not constitute a formal response**
 - Do not rely on a verbal agreement for an action to be taken
 - Failure to file a formal response in writing before the period for response is filed will result in the abandonment of the application
- **Responding by E-mail does not constitute a formal response and will not be treated as a formal response**
- **Petitions must be properly signed (37 CFR 1.33(b))**

Helpful Hints (Cont.)

Fees

- Extension of time fees, if applicable, must be timely filed
- Fee reductions (if applicable):
 - Small Entity – 50% reduction in fee
 - Micro Entity – 75% reduction in fee
- Current fee schedule available from the Fee Information page at <http://www.uspto.gov/about/offices/cfo/finance/fees.jsp>



Helpful Hints (Cont.)

Getting your Petition to the Office of Petitions

- ePetition - 
- EFS-Web
- Mail
- Central Fax – (571) 273 - 8300
- Deliver to Customer Service Window at Randolph Building
- **ONLY FOR PETITIONS TO WITHDRAW FROM ISSUE** (in addition to the options listed above, you have the option to)
 - fax to (571) 273-0025 Office of Petitions
 - hand carry to security gate in Madison West lobby (600 Dulany Street, Alexandria, VA); guard will call Office of Petitions and a staff member will meet you in the lobby with log book and date stamp.
- See Office of Petitions website for further information on various petitions handled by Office Petitions and other useful information <http://www.uspto.gov/patents-application-process/petitions>



Helpful Hints (Cont.)

Resources

- Office of Petitions Help Desk
(571) 272-3282
- Inventor Assistance Center (IAC)
1-800 -786 -9199 OR (571) 272 - 1000
- IPLA (PCT Legal) Help Desk
(571) 272-4300
- Other Support Numbers
<http://www.uspto.gov/patent/contact-patents>
- Pro Se Assistance
(1866) 767-3848
- Fee Assistance
(1800) 786-9199

Email questions to:
inventorinfochat@uspto.gov



Upcoming OID Events

- **Patent Quality Chat Webinar**
 - Using Petitions Effectively in Patent Prosecution 8-17-17
- **Upcoming Inventor Info Chat Webinar**
 - Copyright Basics 8-17-17
- **USPTO Invention Con (Independent Inventor Conference) at Alexandria Headquarters August 11-12, 2017**
 - Conference will include seminars, panels and breakout sessions related to patents and trademarks

For more information or to register for any of the above events contact us at oidevents@uspto.gov

<https://www.uspto.gov/patents-application-process/inventor-info-chat>





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PATENT AND TRADEMARK OFFICE

Thank You!

Send your questions to:

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