

Statutory Compliance Master Review Form
05/14/2021

Compliance Standard Master Review Form Overview

Rejections made in the Office action? (Check all that apply)

- None
- 35 USC 102 - Anticipation
- 35 USC 103 - Obviousness
- 35 USC 112(a) – Enablement
- 35 USC 112(a) – Written Description
- 35 USC 112(b)
- 35 USC 112(d)
- 35 USC 101 – Subject Matter Eligibility
- 35 USC 101 - Utility
- 35 USC 101 – Statutory Double Patenting
- Nonstatutory Double Patenting
- Other Made Rejection(s)

Were there any omitted rejections? (Check all that apply)

- None
- 35 USC 102 - Anticipation
- 35 USC 103 - Obviousness
- 35 USC 112(a) – Enablement
- 35 USC 112(a) – Written Description
- 35 USC 112(b)
- 35 USC 112(d)
- 35 USC 101 – Subject Matter Eligibility
- 35 USC 101 - Utility
- 35 USC 101 – Statutory Double Patenting
- Nonstatutory Double Patenting

Examiner is a (check one):

- Examiner with Signatory Authority
- Examiner without Signatory Authority

If “Examiner without Signatory Authority” is checked:

The Office action was signed by a (check one):

- SPE
- Examiner with Signatory Authority
- Unsigned

Compliance of Rejections Made

MRF Compliance Questions: 35 USC 102 Rejection Made

1. Were all the 35 USC 102 rejection(s) in compliance?

Yes or No

- i. If "Yes", go to question 6
- ii. If "No", continue to question 2

2. Identify the claim(s) with non-compliant 102 rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 102 rejection applied, was another compliant prior art rejection applied?

Yes or No

- i. If "Yes", continue to question 3A
- ii. If "No", continue to question 4

A. The compliant prior art rejection(s) was applied under (check all that apply):

- a. 35 USC 102
- b. 35 USC 103

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute/subparagraph.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The disclosure(s) relied upon does not qualify as prior art.

Explanation of noncompliance related to disclosure not prior art:

- c. The rejection(s) does not provide sufficient evidence to demonstrate that the disclosure(s) teaches every element required by the claim under its Broadest Reasonable Interpretation.
1. There was no citation(s)/mapping to the prior art in the rejection(s) for the missing element/limitation(s) that serves as the basis for the noncompliance.
 2. The rejection maps the limitation(s) identified as the basis for the noncompliance to the prior art, but the relevant portion(s) does not provide sufficient evidence to meet the limitation(s).

Explanation of noncompliance related to the lack of sufficient evidence:

5. Additional Data/Feedback (check all that apply):
- a. The rejection(s) included obviousness rationale.
 - b. The rejection improperly relied on features from different embodiments.
 - c. Improper reliance on inherency was applied.
 - d. The non-compliance is the result of an unreasonable claim interpretation.
 - e. The rejection is part of 102/103 Rejection
 - f. None of the above
6. 102 rejection(s) comments (suggestions, feedback, best practices, etc.):

7. Characteristics of the 102 rejection(s) (check all that apply):

| | Characteristics of 102 Rejection(s) |
|-------------------------------------|---|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) reasonably pinpoints where substantially all limitations are met by the prior art (e.g., written specification; drawings) |
| <input type="checkbox"/> | The rejection(s) includes pasted pertinent figures with annotations (as appropriate) which pinpoint where limitations are met by the prior art |
| <input type="checkbox"/> | The rejection(s) goes beyond pinpointing where the limitations are taught by: <ul style="list-style-type: none"> • summarizing how/why the limitations is met by the prior art or • reciting terminology from the prior art in the rejection so as to more readily equate terminology from the claims with terminology from the prior art |
| <input type="checkbox"/> | Statements of patentable weight are included, particularly when patentable weight is not being given to any of the following: <ul style="list-style-type: none"> • Preamble • Intended use limitations • Claim language that suggests or makes optional some structure or steps |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | For limitations which invoke 112(f), explained how the prior art structure was either the same as the disclosed corresponding structure or an equivalent thereto |
| <input checked="" type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | Included detailed technical analysis in regards to the invention and/or the applicability of the prior art |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 102 Rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 102 Rejection made that:

MRF Compliance Questions: 35 USC 103 Rejection Made

1. Were all the 35 USC 103 rejection(s) in compliance?

Yes or No

- i. If "Yes", go to question 6
- ii. If "No", continue to question 2

2. Identify the claim(s) with non-compliant 103 rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 103 rejection applied, was another compliant prior art rejection applied?

Yes or No

- i. If "Yes", continue to question 3A
- ii. If "No", continue to question 4

A. The compliant prior art rejection(s) was applied under (check all that apply):

- a. 35 USC 102
- b. 35 USC 103

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute/subparagraph.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The disclosure(s) relied upon does not qualify as prior art.

Explanation of noncompliance related to disclosure not prior art:

- c. The rejection(s) fails to provide sufficient evidence to establish a prima facie case of obviousness (check all that apply)

- i. The findings of fact are not properly articulated and/or evidenced (e.g., missing limitation).

A. The rejection correlated the element/limitation(s) identified as the basis of the noncompliance to:

1. The primary reference
2. A secondary reference
3. Official Notice (e.g. well known; common knowledge)

B. There was no citation(s)/mapping to the prior art in the rejection(s) for the missing element/limitation that serves as the basis for the non-compliance.

C. The rejection maps the limitation(s) identified as the basis for the noncompliance to the prior art, but the relevant portion(s) does not provide sufficient evidence to meet the limitation(s).

- ii. The rejection(s) does not adequately articulate how the prior art is modified to arrive at the claimed invention.

iii. The rejection(s) does not articulate a proper reason or rationale (e.g., motivation).

1. The prior art applied does not support the combination (e.g., nonanalogous art; prior art teaches away).
2. The conclusion of obviousness relied on impermissible hindsight.

- 3. No articulated reason or rationale present.
- iv. Improper reliance on case law.
- v. In light of secondary considerations, the finding of obviousness is improper.

Explanation of noncompliance related to the lack of sufficient evidence:

- 5. Additional Data/Feedback (check all that apply):
 - a. Improper reliance on inherency was applied.
 - b. Improper use of Official Notice
 - c. The non-compliance is the result of an unreasonable claim interpretation.
 - d. The 35 USC 103 noncompliance issue was solely inherited from a noncompliance issue raised under 35 USC 102.
 - e. The rejection is part of 102/103 Rejection
 - f. None of above

- 6. 103 rejection(s) comments (suggestions, feedback, best practices, etc.):

7. Characteristics of the 103 rejection(s) (check all that apply):

| Characteristics of 103 Rejection(s) | |
|-------------------------------------|---|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) reasonably pinpoints where substantially all limitations are met by the prior art (e.g., written specification; drawings) |
| <input type="checkbox"/> | The rejection(s) includes pasted pertinent figures with annotations (as appropriate) which pinpoint where limitations are met by the prior art |
| <input type="checkbox"/> | The rejection(s) goes beyond pinpointing where the limitations are taught by: <ul style="list-style-type: none"> • summarizing how/why the limitations is met by the prior art or • reciting terminology from the prior art in the rejection so as to more readily equate terminology from the claims with terminology from the prior art |
| <input type="checkbox"/> | The rejection(s) articulates a reasonable rationale for each modification individually addressing each modification with a separate rationale as appropriate |
| <input type="checkbox"/> | Statements of patentable weight are included, particularly when patentable weight is not being given to any of the following: <ul style="list-style-type: none"> • Preamble • Intended use limitations • Claim language that suggests or makes optional some structure or steps |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | For limitations which invoke 112(f), explained how the prior art structure was either the same as the disclosed corresponding structure or an equivalent thereto |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | Included detailed technical analysis in regards to the invention and/or the applicability of the prior art |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 103 Rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 103 Rejection made that:

MRF Compliance Questions: 35 USC 112(a) Enablement Rejection Made

1. Were all the 35 USC 112(a) Enablement rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 6
- ii. If “No”, continue to question 2

2. Identify the claim(s) with non-compliant 112(a) Enablement rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 112(a) Enablement rejection applied, was another compliant 35 USC 112(a) Enablement rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not set forth sufficient evidence as to why one of ordinary skill in the art could not reasonably make and use the invention without undue experimentation. (check all that apply)

i. The rejection(s) was based on scope of enablement

ii. A Wands factor analysis was needed and not provided.

iii. A Wands factor analysis was provided, but the factors were not sufficiently evidenced and/or weighted.

iv. None of the above

Explanation of noncompliance related to lack of sufficient evidence:

5. Additional Information/Feedback (check all that apply):
- a. The analysis was more appropriate for a lack of written description rejection.
 - b. The analysis primarily consists of questions to applicant rather than an analysis of enablement.
 - c. The non-compliance is the result of an unreasonable claim interpretation.
 - d. The 112(a) rejection(s) is 112(f) related.
 - e. The rejection is related to a deposit of biological material.
 - f. None of the above
6. 112(a) Enablement rejection(s) Comments (suggestions, feedback, best practices, etc.):

7. Characteristics of 112(a) Enablement rejection(s) (check all that apply):

| Characteristics of 112(a) Enablement Rejection(s) | |
|---|---|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) provides citations to relevant portions of the specification and provides a thorough explanation of why the disclosure is not enabling to one of ordinary skill without undue experimentation through a discussion of each applicable Wands factor (and for any other identified factors). |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 112(a) Enablement Rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 112(a) Enablement rejection made that:

MRF Compliance Questions: 35 USC 112(a) Written Description Rejection Made

1. Were all the 35 USC 112(a) Written Description rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 6
- ii. If “No”, continue to question 2

2. Identify the claim(s) with non-compliant 112(a) Written Description rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
 - b. Only the dependent claim(s)
 - c. Both the independent claim(s) and dependent claim(s)
3. For all of the claims identified in question 2 as having a noncompliant 35 USC 112 Written Description rejection applied, was another compliant 35 USC 112(a) Written Description rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not provide sufficient evidence as to why applicant did not have possession of the claimed invention (check all that apply):

- i. The rejection(s) does not provide sufficient evidence to support the conclusion that the amended or newly added claim limitations lack support in the original disclosure (i.e., new matter).

The asserted new matter has support in the original disclosure in (check all that apply):

- A. Original claim(s)
B. Original drawing(s)
C. Original specification through express, implicit or inherent disclosure

- ii. The new matter was added only to the specification and does not change the scope of the claimed invention and therefore does not necessitate a rejection.

- iii. The rejection(s) does not provide sufficient evidence to support the conclusion that the inventor lacks possession of the originally claimed invention.

Explanation of noncompliance related to lack of sufficient evidence:

5. Additional Information/Feedback (check all that apply):

- a. The analysis was more appropriate for a lack of enablement rejection.
- b. The analysis primarily consists of questions to applicant rather than an analysis of written description.
- c. The non-compliance is the result of an unreasonable claim interpretation.
- d. The rejection is 112(f) related.
- e. The rejection is based on the lack of sufficient algorithm for a computer implemented invention.
- f. The rejection(s) is related to a deposit of biological material.
- g. None of the above

6. 112(a) Written Description rejection(s) Comments (suggestions, feedback, best practices, etc.):

7. Characteristics of the Written Description rejection(s) (check all that apply):

| Characteristics of 112(a) Written Description Rejection(s) | |
|--|--|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) provides citations to the relevant portions of the specification and provides a thorough explanation of why the disclosure does not convey to one of ordinary skill, as of the filing date, that applicant was in possession of the invention as claimed. |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 112(a) Written Description rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 112(a) Written Description rejection made that:

MRF Compliance Questions: 35 USC 112(b) Rejection Made

1. Were all the 35 USC 112(b) rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 7
- ii. If “No”, continue to question 2

2. Identify the claim(s) with non-compliant 112(b) rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 112(b) rejection applied, was another compliant 35 USC 112(b) rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not provide sufficient evidence that the claim(s) does not particularly point out and distinctly claim that which the inventor or a joint inventor regards as the invention

i. The rejection(s) did not point out the specific term or phrase that is indefinite.

ii. The rejection(s) did not provide sufficient reasoning to support the conclusion of indefiniteness.

iii. The rejection(s) did not provide sufficient reasoning that the claims are not drawn to that which the inventor or joint inventor regards as the invention.

Explanation of noncompliance related to lack of sufficient evidence:

5. Noncompliance issue related to (check all that apply):

- a. Breadth versus indefiniteness
- b. Relative terminology
- c. Ranges and amounts limitations
- d. Exemplary language (e.g. "for example", "such as", etc.)
- e. Lack of antecedent basis
- f. Functional language
- g. Alternative limitations (e.g. a Markush group)
- h. Unclaimed/Omitted essential subject matter
- i. 112(b) is related to 112(f)
- j. Unbound functional claiming
- k. Other:

6. Additional Information/Feedback (check all that apply):

- a. The rejection(s) is only based on an analysis of the specification without basis in the claim terminology.
- b. It was only reasonable to raise the issue as an objection rather than a rejection.
- c. The noncompliance is the result of an unreasonable claim interpretation.
- d. None of the above

7. 112(b) rejection(s) Comments (suggestions, feedback, best practices, etc.):

8. Characteristics of 112(b) rejection(s) (check all that apply):

| Characteristics of 112(b) Rejection(s) | |
|--|---|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) provides citations to the relevant portions of the specification and explains why, even in light of the specification, the claim does not particularly point out and distinctly claim that which the inventor or joint inventors regards as the invention. |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

9. Is there an accolade related to 112(b) rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 112(b) rejection made that:

MRF Compliance Questions: 35 USC 112(d) Rejection Made

1. Were all the 35 USC 112(d) rejection(s) in compliance?

Yes or No

- i. If "Yes", go to question 6
- ii. If "No", continue to question 2

2. Identify the claim(s) with non-compliant 112(d) rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 112(d) rejection applied, was another compliant 35 USC 112(d) rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not provide sufficient evidence to support the rejection
 - i. The rejection(s) does not provide sufficient evidence that the claim(s) does not specify a further limitation of the subject matter of the claim from which it depends.

- ii. The rejection(s) does not provide sufficient evidence that the claim(s) does not include all of the limitations of the claim from which it depends.

Explanation of noncompliance related to lack of sufficient evidence:

5. Additional Information/Feedback (check all that apply):

- a. The rejection(s) should have been made under 35 USC 112(b).
- b. The noncompliance is the result of an unreasonable claim interpretation.
- c. The rejection(s) was improperly based on the patentable significance of the further limitation.
- d. None of the above

6. 112(d) rejection(s) Comments (suggestions, feedback, best practices, etc.):

7. Characteristics of 112(d) rejection(s) (check all that apply):

| Characteristics of 112(d) Rejection(s) | |
|--|--|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 112(d) rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 112(d) rejection made that:

MRF Compliance Questions: 35 USC 101 Subject Matter Eligibility Rejection Made

1. Were all the 35 USC 101 Subject Matter Eligibility rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 6
- ii. If “No”, continue to question 2

2. Identify the claim(s) with non-compliant 35 USC 101 Subject Matter Eligibility rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
 - b. Only the dependent claim(s)
 - c. Both the independent claim(s) and dependent claim(s)
3. For all of the claim(s) identified in question 2 as having a noncompliant 35 USC 101 Subject Matter Eligibility rejection applied, was another compliant 35 USC 101 Subject Matter Eligibility rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. Step 1: The rejection(s) does not set forth sufficient evidence that the claimed invention is not directed to one of the four statutory categories of invention.

The rejection(s) characterizes the claimed invention as:

- i. Transitory Signal/Signal per se
- ii. Software per se
- iii. Human Organism
- iv. Use Claim
- v. Information/data per se
- vi. The rejection(s) does not characterize the claimed invention, but merely asserts the claimed invention is not drawn to a statutory category.
- vii. Other:

- c. Step 2A, Prong One: The rejection(s) does not set forth sufficient evidence as to why the claimed invention is directed to a judicial exception (check all that apply):

- i. The rejection(s) fails to set forth any judicial exception recited in the claim.
- ii. The rejection(s) fails to correctly characterize the judicial exception as:
 - 1. Product of Nature – the rejection(s) fails to correctly assess whether the claim recites a product of nature using the Markedly Different Characteristics analysis.
 - 2. Law of Nature
 - 3. Natural Phenomenon (other than products of nature)
 - 4. Abstract Idea - The rejection(s) fails to correctly characterize the abstract idea as falling into one of the following enumerated groupings set out in the 2019 Revised Patent Subject Matter Eligibility Guidance.
 - a. Mathematical concept
 - b. Certain methods of organizing human activity
 - c. Mental process
 - d. Tentative Abstract Idea – Claim(s) was not properly treated

according to Section III(C) of the 2019 Revised Patent Subject Matter Eligibility Guidance.

- d. Step 2A, Prong 2: The rejection(s) fails to set forth sufficient evidence as to why the claimed invention, as a whole, does not integrate the recited judicial exception into a practical application
 - i. The rejection(s) does not address Step 2A, Prong Two, i.e., the rejection(s) does not contain any discussion regarding the lack of a practical application.
 - ii. The rejection(s) addresses Step 2A, Prong Two, i.e. the discussion regarding the lack of a practical application but is insufficient.

- e. Step 2B: The rejection(s) fails to set forth sufficient evidence as to why the claimed invention does not provide an inventive concept (i.e. the additional elements of the claim(s) do not amount to significantly more than the judicial exception itself):
 - i. The rejection(s) does not identify the additional element(s) in the claim.
 - ii. The rejection(s) does not address each of the additional elements in the claim.
 - iii. The rejection(s) relies on the rationale that the claim simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, but does not support it with an appropriate factual determination in accordance with the Berkheimer Memorandum.

Explanation of noncompliance related to lack of sufficient evidence

5. Additional Information/Feedback:

- a. The non-compliance is the result of an unreasonable claim interpretation.
- b. The rejection is not based on the most current patent examination guidance
- c. None of the above

6. 101 Subject Matter Eligibility rejection(s) comments (suggestions, feedback, best practices, etc.):

7. Characteristics of 101 Subject Matter Eligibility rejection(s) (Check all that apply):

| Characteristics of 101 Subject Matter Eligibility Rejection(s) | |
|--|---|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) provides a thorough explanation that clearly identifies each step/prong of the 35 USC 101 guidelines along with an accompanying explanation on how the claim is analyzed under the step/prong. |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 101 Subject Matter Eligibility rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 101 Subject Matter Eligibility Rejection made that:

MRF Compliance Questions: 35 USC 101 Utility Rejection Made

1. Were all the 35 USC 101 Utility rejection(s) in compliance?

Yes or No

- i. If "Yes", go to question 6
- ii. If "No", continue to question 2

2. Identify the claim(s) with non-compliant 35 USC 101 Utility rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

3. For all of the claims identified in question 2 as having a noncompliant 35 USC 101 Utility rejection applied, was another compliant 35 USC 101 Utility rejection applied?

Yes or No

4. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct statute.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not provide sufficient evidence to support that the claimed invention has no specific and substantial credible utility which has either been asserted by the applicant or would have been readily apparent to one of ordinary skill in the art.

Explanation of noncompliance related to lack of sufficient evidence:

5. Additional Information/Feedback (check all that apply):
- a. The rejection(s) was based on an unreasonable claim interpretation.
 - b. The rejection(s) was based on the applicant asserted utility failing to be credible.
 - c. The rejection(s) was based on the lack of applicant asserted utility and failed to consider what would be readily apparent to one of ordinary skill in the art.
 - d. None of the above

6. 101 Utility rejection(s) Comments (suggestions, feedback, best practices, etc.):

7. Characteristics of 101 Utility rejection(s) (check all that apply):

| Characteristics of 101 Utility Rejection(s) | |
|---|--|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

8. Is there an accolade related to 101 Utility rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 101 Utility rejection made that:

MRF Compliance Questions: 35 USC 101 Statutory Double Patenting Rejection Made

1. Basis for rejection(s) (check all that apply):

- a. Provisional
- b. Nonprovisional

2. Were all the 35 USC 101 Statutory Double Patenting rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 7
- ii. If “No”, continue to question 3

3. Identify the claim(s) with non-compliant 35 USC 101 Statutory Double Patenting rejection(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

4. For all of the claims identified in question 3 as having a noncompliant 35 USC 101 Statutory Double Patenting rejection applied, was another compliant 35 USC 101 statutory double patenting rejection applied?

Yes or No

5. Explain why the rejection(s) is non-compliant (check all that apply):

- a. The rejection(s) does not properly identify the rejected claim(s) and/or identify the correct basis.

Explanation of noncompliance related to identified claim(s) and/or statute:

- b. The rejection(s) does not provide sufficient evidence to support that the claimed invention is directed to the same invention.
- i. The rejection(s) fails to provide any explanation supporting the claim(s) being of the same scope (e.g., limitation matching between claim sets).
- ii. The rejection(s) fails to provide a sufficient explanation supporting the claim(s) being of the same scope (e.g., limitation matching between claim sets).

Explanation of noncompliance related to lack of sufficient evidence:

6. Additional Information/Feedback (check all that apply):

- a. The rejection(s) should have been made under Nonstatutory Double Patenting.
- b. The noncompliance is the result of an unreasonable claim interpretation.
- c. None of the above

7. 101 Statutory Double Patenting rejection(s) Comments (suggestions, feedback, best practices, etc.):

8. Characteristics of 101 Statutory Double Patenting rejection(s) (check all that apply):

| Characteristics of 101 Statutory Double Patenting Rejection(s) | |
|--|--|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) reasonably pinpoints where substantially all limitations are met by the conflicting claim(s) |
| <input type="checkbox"/> | Statements of patentable weight are included, particularly when patentable weight is not being given to any of the following: <ul style="list-style-type: none"> • Preamble • Intended use limitations • Claim language that suggests or makes optional some structure or steps |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | Included detailed technical analysis in regards to the invention and/or the conflicting claim(s) |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

9. Is there an accolade related to 101 Statutory Double Patenting rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 101 Statutory Double Patenting rejection made that:

MRF Compliance Questions: Nonstatutory Double Patenting Rejection Made

1. Basis for rejection(s) (check all that apply):
 - a. Provisional
 - b. Nonprovisional

2. Type of rejection (check all that apply):
 - a. Anticipatory Type
 - b. Obviousness Type

3. Were all the Nonstatutory Double Patenting rejection(s) in compliance?
Yes or No
 - i. If “Yes”, go to question 7
 - ii. If “No”, continue to question 3

4. Identify the claim(s) with non-compliant Nonstatutory Double Patenting rejection(s):

The noncompliance is directed to limitations introduced in:
 - a. Only the independent claim(s)
 - b. Only the dependent claim(s)
 - c. Both the independent claim(s) and dependent claim(s)

5. For all of the claims identified in question 3 as having a noncompliant Nonstatutory Double Patenting rejection applied, was another compliant Nonstatutory Double Patenting rejection applied?

Yes or No

6. Explain why the rejection(s) is non-compliant (check all that apply):

a. The rejection(s) does not properly identify the rejected claim(s) and/or correct basis.

Explanation of noncompliance related to identified claim(s) and/or statute:

b. The rejection(s) should have been made under 35 USC 101 Statutory Double Patenting.

Explanation of noncompliance related to rejection should have been made under 35 USC 101 Statutory Double Patenting:

c. The rejection(s) does not provide sufficient evidence to support that the claimed invention is not patentably distinct.

i. The rejection(s) improperly relied on an anticipation analysis when it should have relied on obviousness.

ii. The rejection(s) improperly relied on an obviousness analysis when it should have relied on anticipation.

iii. The rejection(s) improperly concluded that the claimed invention was not patentably distinct without either an anticipation or an obviousness analysis (e.g., absent any claim matching/analysis).

iv. The rejection(s) improperly relied on the instant specification as the basis for the rejection(s).

v. Other:

Explanation of noncompliance related to lack of sufficient evidence:

7. Additional Information/Feedback (check all that apply):

a. The noncompliance is the result of an unreasonable claim interpretation.

b. None of the above

8. Nonstatutory Double Patenting rejection(s) Comments (suggestions, feedback, best practices, etc.):

9. Characteristics of Nonstatutory Double Patenting rejection(s) (check all that apply):

| Characteristics of Nonstatutory Double Patenting Rejection(s) | |
|---|--|
| <input type="checkbox"/> | The rejection(s) addresses substantially all claims individually and only groups claims together that are of substantially similar scope (i.e. limited claim lumping) |
| <input type="checkbox"/> | The rejection(s) reasonably pinpoints where substantially all limitations are met by the conflicting claim(s) |
| <input type="checkbox"/> | The rejection(s) articulates a reasonable rationale for each modification individually addressing each modification with a separate rationale as appropriate |
| <input type="checkbox"/> | Statements of patentable weight are included, particularly when patentable weight is not being given to any of the following: <ul style="list-style-type: none"> • Preamble • Intended use limitations • Claim language that suggests or makes optional some structure or steps |
| <input type="checkbox"/> | The rejection(s) sets forth a claim interpretation that points out how the examiner is interpreting the claim/term/phrase for purposes of the rejection(s) (e.g. BRI, special definitions) |
| <input type="checkbox"/> | Included detailed legal analysis of applicable legal issues through a detailed analysis of the claim(s) and the case law/policy that applies thereto |
| <input type="checkbox"/> | Included detailed technical analysis in regards to the invention and/or the conflicting claim(s) |
| <input type="checkbox"/> | The Office action included appropriate suggestions to overcome rejection(s) (not general FP language or indication of claims with allowable subject matter) |
| <input type="checkbox"/> | None of the above |

10. Is there an accolade related to Non-Statutory Double Patenting rejection(s)

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the Nonstatutory Double Patenting rejection made that:

MRF Compliance Questions: Other Rejections Made

1. Were all the “other” rejection(s) in compliance?

Yes or No

- i. If “Yes”, go to question 4
- ii. If “No”, select one of
Attention Needed or Noncompliant

2. Identify the claim(s) with non-compliant “other” rejection(s).

Claim(s):

The noncompliance is directed to limitations introduced in:

- a. Only the independent claim(s)
 - b. Only the dependent claim(s)
 - c. Both the independent claim(s) and dependent claim(s)
3. Explanation of “other” noncompliance:
 4. Other rejection(s) comments (suggestions, feedback, best practices, etc.):

Omitted Rejections

MRF Omitted Rejection: 35 USC 102

1. Identify the claim(s) where a rejection under 35 USC 102 was omitted:

The omitted rejection(s) is directed to:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. Identify Reference(s) relied on in the omitted Rejection:

| | Name (e.g. Smith) | Document Identifier (e.g. patent number) | US(F) CPC Classification Symbol | Found by: | Reference Type |
|---|-------------------|--|---------------------------------|--|--|
| A | | | | Drop down to select one of: Reviewer Search, 892, 1449, Other | Drop down to select one of: US Patent/PGPub, Foreign Patent/Appln, NPL, or Other |
| B | | | | | |
| C | | | | | |

3. If reference was found by Reviewer Search or Other, provide the search string and/or a detailed explanation of how and where the reference was located:

4. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 103

1. Identify the claim(s) where a rejection under 35 USC 103 was omitted:

The omitted rejection(s) is directed to :

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. Identify Reference(s) relied on in the omitted Rejection:

| | Name (e.g. Smith) | Document Identifier (e.g. patent number) | US(F) CPC Classification Symbol | Found by: | Reference Type |
|---|-------------------|--|---------------------------------|---|--|
| A | | | | Drop down to select one of: Reviewer Search, 892, 1449, Other | Drop down to select one of: US Patent/PGPub, Foreign Patent/Appln, NPL, or Other |
| B | | | | | |
| C | | | | | |

3. If reference was found by Reviewer Search or Other, provide the search string and/or a detailed explanation of how and where the reference was located:

4. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 112(a) Enablement

1. Identify the claim(s) where a rejection under 35 USC 112(a) Enablement was omitted:

The omitted rejection(s) is directed to:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. The omitted 35 USC 112(a) Enablement rejection is directed to (check all that apply):

- a. 112(a) Enablement related to 112(f)
- b. Insufficient reference to a deposit of biological material.
- c. Dependents claim(s) which inherit the deficiencies raised with regard to claim(s) rejected under 112(a) Enablement which were not included in the rejection
- d. None of the above

3. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 112(a) Written Description

1. Identify the claim(s) where a rejection under 35 USC 112(a) Written Description was omitted:

The omitted rejection(s) is directed:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. The omitted rejection(s) under 35 USC 112(a) Written Description is directed to:
(check all that apply):

- a. New Matter
- b. Original Claims
- c. 112(a) Written Description rejection related to 112(f)
- d. Lack of sufficient algorithm for a computer implemented invention
- e. Insufficient reference to a deposit of biological material.
- f. Dependent(s) claims which inherit the deficiencies raised with regard to claim(s) rejected under 112(a) Written Description which were not rejected
- g. None of the above

3. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 112(b)

1. Identify the claim(s) where a rejection under 35 USC 112(b) was omitted:

The omitted rejection(s) is directed to :

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. The basis for the omitted rejection(s) under 35 USC 112(b) is (check all that apply):

- a. Relative terminology
- b. Ranges and amounts limitations
- c. Exemplary language (e.g. "for example", "such as", etc.)
- d. Lack of antecedent basis
- e. Alternative limitations (e.g. a Markush group)
- f. Unclaimed/Omitted essential subject matter
- g. 112(b) is related to 112(f)
- h. Unbounded functional claiming
- i. Dependents claim(s) which inherit the deficiencies raised with regard to claim(s) rejected under 112(b) which were not rejected
- j. Other:

3. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 101 Subject Matter Eligibility

1. Identify the claim(s) where a rejection under 35 USC 101 Subject Matter Eligibility was omitted:

The omitted rejection(s) is directed to:

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. Basis for the omitted rejection(s) under 35 USC 101 SME (check all that apply):
- a. Claim(s), as a whole, fails under Step 1:
1. Transitory Signal/Signal per se
 2. Program/Software per se
 3. Human Organism
 4. Use Claim
 5. Information/data per se
 6. Other:
- b. Claim(s), as a whole, fails under Step 2 :
1. The claim(s) recites a judicial exception (Step 2A, Prong 1):
 - a. Product of nature (based on the results of the Markedly Different Characteristics analysis)
 - b. Law of Nature
 - c. Natural Phenomenon (other than products of nature)
 - d. Abstract Idea
 - I. Mathematical Concept
 - II. Certain methods of organizing human activity
 - III. Mental Process
 - IV. Tentative Abstract Idea – Claim should have been treated according to Section III(C) of the 2019 Revised Patent Subject Matter Eligibility Guidance (requires OPQA director approval)

2. The claim(s) fails to integrate the judicial exception into the practical application

(Step 2A, Prong 2) because:

- a. There are no additional elements in the claim.
- b. The additional element(s) merely recites the word “apply it” (or an equivalent) with the judicial exception, or merely includes instructions to implement an abstract idea on a computer, or merely use a computer as a tool to perform an abstract idea.
- c. The additional element(s) adds insignificant extra-solution activity to the judicial exception.
- d. The additional element(s) does no more than generally link the use of the judicial exception to a particular technological environment or field of use.
- e. Other:

3. The claim(s) does not provide an inventive concept (i.e. the additional elements of the claim(s) do not amount to significantly more than the judicial exception itself; Step 2B) because:
- a. There are no additional elements in the claim(s).
 - b. The additional element(s) merely recites the words “apply it” (or an equivalent) with the judicial exception, or merely includes instructions to implement an abstract idea on a computer, or merely use a computer as a tool to perform an abstract idea.
 - c. The additional element(s) adds insignificant extra-solution activity to the judicial exception.
 - d. The additional element(s) does no more than generally link the use of the judicial exception to a particular technological environment or field of use.
 - e. The additional element(s) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. This rationale is supportable in accordance with the *Berkheimer* Memorandum based on:
 - i. Statement by Applicant
 - ii. Court Decision in MPEP 2106.05(d)(II)
 - iii. Publication
 - iv. Official Notice

3. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 101 Utility

1. Identify the claim(s) where a rejection under 35 USC 101 Utility was omitted:

The omitted rejection(s) is directed to :

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: 35 USC 101 Statutory Double Patenting

1. Identify the claim(s) where a rejection under 35 USC 101 Statutory Double Patenting was Omitted:

The omitted rejection(s) is directed :

- a. Only the independent claim(s)
- b. Only the dependent claim(s)
- c. Both the independent claim(s) and dependent claim(s)

2. The basis for the omitted rejection(s) under 35 USC 101 Statutory Double Patenting is:

- i. Provisional
- ii. Non-provisional

3. Identify the Conflicting Patent/Application relied on in the omitted rejection:

| | Name (e.g. Smith) | Document Identifier (i.e., patent or application number) | US(F) CPC Classification Symbol | Found by: |
|---|-------------------|--|---------------------------------|--|
| A | | | | Drop down to select one of: Reviewer Search, 892, 1449, Other |
| B | | | | |
| C | | | | |

4. If reference was found by Reviewer Search or Other, provide the search string or an explanation of how and where the reference was located:

5. The omitted rejection is based on a rejection previously made during prosecution and improperly withdrawn in response to the filing of a Terminal Disclaimer (TD):

Yes or No

6. Give a thorough description of the omitted rejection(s):

MRF Omitted Rejection: Nonstatutory Double Patenting

1. Identify the claim(s) where a rejection under Non-statutory Double Patenting was omitted:

The omitted rejection(s) is directed :

- a. Only the independent claim(s)
 - b. Only the dependent claim(s)
 - c. Both the independent claim(s) and dependent claim(s)
-
2. The basis for the omitted rejection(s) under Nonstatutory Double Patenting is (check all that apply):
 - a. Provisional
 - b. Non-provisional

 3. The type of omitted rejection(s) under Nonstatutory Double Patenting is (check all that apply):
 - a. Anticipatory Type
 - b. Obviousness Type

4. Identify Conflicting Patent/Applications and any Modifying Reference(s) relied on in the omitted rejection

| | Type: | Name (e.g. Smith) | Document Identifier (e.g., patent number; application number) | US(F) CPC Classification Symbol | Found by: | Reference Type |
|---|--|----------------------|---|---------------------------------|--|---|
| A | Drop down to select one of: Conflicting Patent/Application or Modifying Reference | | | | Drop down to select one of: Reviewer Search, 892, 1449, Other | Drop down to select one of: US Patent/PGPub, Foreign Patent/Appln, NPL, or Other |
| B | | | | | | |
| C | | | | | | |

5. If reference was found by Reviewer Search or Other, provide the search string and/or an explanation of how and where the reference was located:

6. The omitted rejection is based on a rejection dropped during prosecution based on the filing of a terminal disclaimer (TD) which was not accepted by the Office:

Yes or No

7. Give a thorough description of the omitted rejection(s):

MRF Office Action Characteristics of Immediate Prosecution

Allowable Subject Matter

1. Did the examiner indicate allowable subject matter?

Yes or No

i. If “Yes”, continue to question 2

ii. If “No”, go to MRF Office Action Characteristics: Response to Applicant section

2. Was rejoinder properly practiced?

Yes or No or N/A

3. Is a reason for allowance present?

Yes or No

If “Yes”,

a. Did the Reasons for Allowance add substance to the record?

Yes or No

4. Allowable subject matter comments (suggestions, feedback, best practices, etc.):

5. Check all that apply regarding allowable subject matter:

| | Allowable Subject Matter |
|--------------------------|---|
| <input type="checkbox"/> | The Office action identifies the specific allowable subject matter and also demonstrates how the prior art teachings neither anticipate nor render obvious the allowable subject matter in combination with the other claimed limitations |
| <input type="checkbox"/> | An Examiner's Amendment was completed to place the case in condition for allowance |
| <input type="checkbox"/> | The Office action cites pertinent arguments by the applicant that were persuasive in overcoming a previous rejection |
| <input type="checkbox"/> | The Office action cites any newly discovered prior art providing a brief description directed to why it was cited but not applied |
| <input type="checkbox"/> | The Reasons for Allowance addresses each independent claim separately |
| <input type="checkbox"/> | None of the above |

6. Is there an accolade related to allowable subject matter?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to allowable subject matter that:

Response to Applicant

7. Were any applicant arguments present?

Yes or No

i. If “Yes” continue to question 8

ii. If “No”, go to MRF Office Action Characteristics: Interview Summary section

8. Were any applicant arguments present that were directed to the traversal of a requirement for restriction/election?

Yes or No

9. Were all arguments presented by the applicant addressed?

Yes or No

If “No”, identify which arguments which were not addressed:

10. Response to Applicant Comments (suggestions, feedback, best practices, etc.):

11. Check all that apply regarding the Response to Applicant:

| Response to Applicant | |
|--------------------------|---|
| <input type="checkbox"/> | The Office action identifies and addresses all arguments raised by applicant |
| <input type="checkbox"/> | The Office action specifically states which arguments are persuasive and whether the related rejections are withdrawn |
| <input type="checkbox"/> | The Office action specifically states which arguments are not persuasive along with a concise explanation of the rationale why |
| <input type="checkbox"/> | The Office action acknowledges all submission of evidence (e.g. affidavits) and provides explanations directed to why the evidence was not found persuasive |
| <input type="checkbox"/> | None of the above |

12. Is there an accolade related to Response to Applicant?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the Response to Applicant that:

Interviews

13. Is there evidence of an interview on the record?

Yes or No

i. If "Yes", continue to question 14

ii. If "No", go to MRF Office Action Characteristics: Search/Prior Art section

14. Was an interview summary form present?

Yes or No

15. The interview was (check all that apply):

- Examiner initiated
- Applicant initiated
- In person
- Telephonic
- Video/Webex
- Unknown

16. Interview Comments (suggestions, feedback, best practices, etc.):

17. Check all that apply regarding the Interview:

| Interview Recordation | |
|--------------------------|---|
| <input type="checkbox"/> | The recordation of the interview makes clear whether proposed amendments were submitted for consideration and whether they overcome the prior art of record |
| <input type="checkbox"/> | The recordation of the interview identifies specific arguments or proposed amendments raised during the interview |
| <input type="checkbox"/> | The recordation of the interview provides an indication of which arguments/proposed amendments overcome which issues, whether raised by the examiner in the office action or in the interview, and next steps to be taken |
| <input type="checkbox"/> | There is evidence that claim amendments were made as a direct result of examiner suggestions from the interview |
| <input type="checkbox"/> | The current Office action contains decisions consistent with the recordation of the interview |
| <input type="checkbox"/> | None of the above |

18. Is there an accolade related to interview recordation?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the Interview Recordation that:

Search/Prior Art

19. Was a record of a search being performed present in the record?

Yes or No

If "Yes", continue to Question 20

If "No", go to Question MRF Office Action Characteristics: 112(f) Analysis section

20. Is there any search present performed in conjunction with the reviewed Office action (e.g. update; new search)?

Yes or No

If Yes, continue to Question 21

If No, got to Question 22

21. Did this search reflect adjustments based on amendments?

Yes, No, NA

22. Was an IFW Search Notes form present in the record?

Yes or No

23. Was a search print out present in the record?

Yes or No

24. Search/prior art comments (suggestions, feedback, best practices, etc.):

25. Check all that apply:

| | Search/Prior Art |
|--------------------------|---|
| <input type="checkbox"/> | The search includes the inventive concept. |
| <input type="checkbox"/> | There is evidence present of consultation with experts. |
| <input type="checkbox"/> | Prior art was cited on the record by the examiner which was pertinent to significant unclaimed features of the disclosed invention. |

| | |
|--------------------------|---|
| <input type="checkbox"/> | A brief description was provided for relevant prior art cited by the examiner but not applied. |
| <input type="checkbox"/> | The search print out includes designations of which result sets were reviewed. (MPEP 719.05(II)(B)) |
| <input type="checkbox"/> | None of the above |

26. Did the reviewer perform a search?

Yes or No

If Yes,

The reviewer search included (check all that apply):

- CPC Search
- Keyword Search
- Inventor/Assignee Search
- NPL
- Forward/Backwards Search
- Sequence Search
- Other:

Provide search history:

27. Is there an accolade related to Search/Prior Art?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the search/prior art that:

112(f) Analysis

28. Does the claim(s) include any functional recitations?

Yes or No

i. If "Yes" continue to question 27

ii. If "No" got to question MRF Office Action Characteristics: Restriction section

29. Using the 3-prong analysis (MPEP 2181(I)), do any claim limitations invoke 112(f)?

Yes or No

30. Does the record include any statements regarding the Examiner's determination with regard to 112(f) being invoked or not being invoked?

Yes or No

i. If "Yes" continue to question 29

ii. If "No" go to question 32

31. Were the 112(f) presumptions documented?

Yes or No

32. Were claim limitations identified where the 112(f) presumptions were overcome?

Yes or No

33. Looking at the Examiner's statement(s) made on the record, are these statement with regard to 112(f) being invoked or not being invoked correct?

Yes or No

34. 112(f) analysis comments (suggestions, feedback, best practices, etc.):

35. Is there an accolade related to 112(f) Recordation?

Yes or No

If Yes,

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the 112(f) Recordation that:

Restriction

36. Was a requirement for restriction/election present?

Yes or No

If "Yes" continue to question 35

If "No" go to MRF Office Action Characteristics: Other Quality Issues section

37. Was the requirement for restriction/election proper?

Yes or No

If No (check all that apply):

- Burden not met
- Does not meet distinctness/independent requirements
- Wrong Practice (e.g., 371 v. US)
- Inventions should have been subjected to election by original presentation

38. Was sufficient rationale provided to support the restriction/election?

Yes or No

39. Restriction Comments (suggestions, feedback, best practices, etc.):

40. Is there accolade related to restriction?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the restriction/election requirement that:

Other Quality Issues

41. Was the Office action generally free from typographical/grammatical errors?

Yes or No

42. Was the Office action written in a tone which is professional and courteous?

Yes or No

43. Duplicative rejections were only used for compact prosecution and were not unnecessary?

Yes or No or NA

44. Are there any other issues not described elsewhere?

No, Yes (Attention Needed) or Yes (Not Attention Needed)

Other Quality Issues Comments (suggestions, feedback, best practices, etc.):

45. Any proposed backup prior art rejection(s) for claims that already have a compliant prior art rejection (e.g. easily invoked exception)? Yes (Attention Needed) or No

Proposed prior art rejection(s):

46. Accolade related to other quality issues not otherwise addressed?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to other issues addressed in the Office action that:

Finality

(Only if the Office Action is Final will this section be populated)

47. Was the finality of the Office action proper (prosecution closed)?

Yes or No

i. If "No" continue to question 46

ii. If "Yes", go to question 47

48. Indicate reason (check all that apply):

- a. New grounds of rejection were not necessitated by amendment
- b. The Office action is a first action final after RCE; however, an Advisory Action was mailed and included an indication that proposed amendments after final rejection would not be entered because they raise new issues that would require further consideration and/or search.
- c. The new prior art was submitted in an IDS during the period set forth in 37 CFR 1.97(c), but the IDS was submitted with a statement under 37 CFR 1.97(e) instead of a fee under 37 CFR 1.17(p).

49. Finality Comments (suggestions, feedback, best practices, etc.):

50. Accolade related to Finality?

Yes or No

Complete the following sentence:

Specifically, the OPQA reviewer commented with regard to the Finality that: