

UNITED STATES  
PATENT AND TRADEMARK OFFICE





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# Filing Petitions

Presented By:

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UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Helpful Hints

## Getting your Petition to the Office of Petitions

- ePetition - 
- EFS-Web
- Mail to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- Central Fax – (571) 273 - 8300
- Deliver to Customer Service Window at Randolph Building



# Helpful Hints

- **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>





- 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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**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](mailto: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.







## 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)

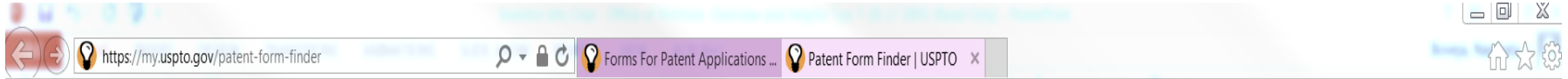




- Petitions for Revival
  - Petition to Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))
  - Petition for Revival of an Application based on Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))
  - Petition for Revival of an Application for 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))



# Form Finder Tool



## PATENT FORM FINDER

Forms for patent applications filed on or after September 16, 2012

If you need a single form...

AIA/83 : Request for Withdrawal as Attorney or Agent and Change of Correspondence Address Note: A Request for Withdrawal As Attorney or Agent may alternatively be filed as a Web-based ePetition.¿

If you need a group of forms...

Start typing the type of transaction or browse

Form

[All patent forms](#) | [Need form instructions?](#)

# Helpful Hints (Cont.)

- **Last-Minute Filings**
- **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](http://www.uspto.gov/sites/default/files/documents/Quick%20Start%20Guide%20WebADS.pdf)
    - [www.uspto.gov/sites/default/files/documents/Corrected-WebADS-QSG.pdf](http://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. CMB 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.

<b>Application Data Sheet 37 CFR 1.76</b>		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:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> 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			<a href="#">Remove</a>
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 <a href="#">Add</a> button.			



# 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	END CLAIMS
59/956,507	02/03/2014	3773	1260	45456-0102	12	1

12346

CONFIRMATION NO. 7285

FILING RECEIPT

\*OC00000057605684

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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



# 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 (Cont.)



The screenshot shows the USPTO website header with the logo and navigation links. Below the header is a search bar and a navigation menu. The main content area is titled 'Patents Petitions Timeline' and includes a brief description of the timeline's purpose.

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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





# Patents Petitions Timeline (Cont.)

The screenshot shows the USPTO website header with the logo and navigation links: About Us, Jobs, Contact Us, MyUSPTO. Below the header is a search bar and a navigation menu with links to Patents, Trademarks, IP Policy, and Learning and Resources. A 'Quick links' button is also visible. The breadcrumb trail indicates the current location: Home / Patents: Application Process / Petitions / Timeline / Abandonment Related Petitions. There are also links to Share, Print, and a printer icon.

## Abandonment Related Petitions

IPLA – International Patent Legal Administration  
 ODM – Office of Data Management  
 OPET – Office of Petitions  
 TC – Technology Center

### Generally Available

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office	ePetition Option
502 - To Revive an Abandoned Application-Unintentional Delay (37 CFR 1.137(a))	147	82%	OPET	 GET IMMEDIATE DECISIONS
510 - To Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))	115	81%	OPET	 GET IMMEDIATE DECISIONS
525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - <b>Failure to receive an Office Action</b>	211	49%	OPET	
525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - <b>Reply Timely Filed</b>				
536 - Under 37 CFR 1.137(f)	76	90%	OPET	 GET IMMEDIATE DECISIONS
561 - Revive Abandoned Application, Continuity Purposes Only	72	98%	OPET	 GET IMMEDIATE DECISIONS



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