INVENTION-CON 2017
The Place for Inventors, Makers, & Entrepreneurs
USPTO's Inventors Conference • August 11-12 • Alexandria, VA
Filing Petitions

Presented By:
Namrata (Pinky) Boveja
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

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.
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/B3: 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
  - Petitions for unintentionally delayed benefit/priority claims can be costly and can cause prosecution delays

Invention Con 2017 - Filing Petitions
Helpful Hints (Cont.) – ADS Example

<table>
<thead>
<tr>
<th>Application Data Sheet 37 CFR 1.76</th>
<th>Attorney Docket Number</th>
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<tbody>
<tr>
<td>Title of Invention</td>
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**Filing By Reference:**

Only complete this section when filing an application by reference under 35 U.S.C. 133 and 37 CFR 1.37(c). Do not complete this section if application paper, drawings or any drawings are being filed. Any domestic or foreign priority information must be provided in this section.

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

**Publication Information:**

- Request Early Publication (Fee required at time of Request 37 CFR 1.219)
- Request Not to Publish

**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 counsel 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 366(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.
Helpful Hints (Cont.) – Filing Receipt Example

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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.)

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
- Retroactive Foreign Filing Licenses
- Specifically Related To International Applications
- Suspension or Waiver of Rules (not provided for in any Statute)
- Withdrawal of Attorney Related
## Abandonment Related Petitions

### Generally Available

<table>
<thead>
<tr>
<th>Petition Type</th>
<th>Avg. Days Pending of Decided Petitions</th>
<th>Grant Rate Percentage</th>
<th>Deciding Office</th>
<th>ePetition Option</th>
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<td>510 - To Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))</td>
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<td>536 - Under 37 CFR 1.137(f)</td>
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<td>561 - Revive Abandoned Application, Continuity Purposes Only</td>
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</tbody>
</table>

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

Presented By:
Namrata (Pinky) Boveja
Acting Deputy Director, Office of Petitions