

Doc Code: WFEE.APEAL

Doc Description: Certification and Transmittal of Appeal Forwarding Fee

PTO/AIA/34 (11-23)

<b>CERTIFICATION AND TRANSMITTAL OF APPEAL FORWARDING FEE</b>		Docket Number (Optional)
<div style="display: flex;"><div style="flex: 1; padding-right: 10px;"><p>I hereby certify that this correspondence is transmitted by the USPTO patent electronic filing system or by facsimile, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p><p>on _____.</p><p>Signature _____</p><p>Typed or printed name _____</p></div><div style="flex: 2; border: 1px solid black; padding: 5px;"><div style="border-bottom: 1px solid black; margin-bottom: 5px;">First Named Inventor</div><div style="display: flex; border-bottom: 1px solid black; margin-bottom: 5px;"><div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Application Number</div><div style="flex: 1; padding-left: 5px;">Filed</div></div><div style="border-bottom: 1px solid black; margin-bottom: 5px;">For _____</div><div style="display: flex; border-bottom: 1px solid black;"><div style="flex: 1; border-right: 1px solid black; padding-right: 5px;">Art Unit</div><div style="flex: 1; padding-left: 5px;">Examiner</div></div></div></div>		
<p>37 CFR 41.45 specifies that, in order to avoid dismissal of the appeal, appellant must pay the fee set in 37 CFR 41.20(b)(4) within two months of the later of the date of either the examiner's answer, or a decision refusing to grant a petition under 37 CFR 1.181 to designate a new ground of rejection in an examiner's answer.</p> <p>The undersigned certifies that the appropriate fee accompanies this transmittal.</p> <p>The fee for forwarding this appeal is (37 CFR 41.20(b)(4)) \$ _____</p> <p><input type="checkbox"/> Appellant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 60%, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> Appellant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 80%, and the resulting fee is: \$ _____ Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____.</p> <p><input type="checkbox"/> Payment made via USPTO patent electronic filing system.</p> <p>Extensions of time under 37 CFR 1.136(a) for patent applications are not applicable to the time period set forth in this 37 CFR 41.45. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for <i>ex parte</i> reexamination proceedings.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div><input type="checkbox"/> appellant</div><div><input type="checkbox"/> attorney or agent of record Registration number _____</div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number _____</div></div> <p>Signature _____</p> <p>Typed or printed name _____</p> <p>Telephone Number _____</p> <p>Date _____</p> <p><b>NOTE:</b> This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"><input type="checkbox"/> * Total of _____ forms are submitted.</div>		

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013), <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

Routine uses of the information in this record may include disclosure to: 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law; 2) a federal, state, local, or international agency, in response to its request; 3) a contractor of the USPTO having need for the information in order to perform a contract; 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record; 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations; 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals; 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)); 9) the Office of Personnel Management (OPM) for personnel research purposes; and 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.