

**Notice of action that may be needed for filing receipts for certain patent applications processed between March 2022 and mid-October 2022**

As part of the United States Patent and Trademark Office's (USPTO) ongoing efforts to automate and enhance patent examination practices to support robust and reliable patent rights and speed the issuance of patents, the USPTO has transitioned to a new pre-examination system to generate notices, including application filing receipts. The new system allows the USPTO to more efficiently process applicant responses to pre-examination notices and other submissions, such as powers of attorney and change of applicant requests.

After discovering that, with the transition, filing receipts issued for certain patent applications processed between March 2022 and mid-October 2022 did not include foreign filing license information, the USPTO took corrective steps.

Specifically, the USPTO corrected the issue such that the new pre-examination system generates appropriate filing receipts for applications processed on or after October 18, 2022.

The USPTO also produced corrected or replacement filing receipts in October 2022 for applications for which a foreign filing license was granted. The corrected or replacement receipts indicate "If Required, Foreign Filing License Granted:" followed by a date.

Additionally, though provisional applications and design applications are not subject to publication under the 18-month application publication provisions (*see* 35 U.S.C. 122(b)(2)), a small number of filing receipts for provisional applications and design applications incorrectly showed a projected publication date. The issue has been rectified. Also, regardless of the indication of publication, no provisional or design applications have been or will be published as a patent application publication under 37 CFR 1.215. Any affected applicants wishing to do so may request a corrected filing receipt if a projected publication date for a provisional application or a design application is listed on their filing receipt.

Applicants should review their filing receipts issued for new patent applications between March 2022 and mid-October 2022 to ensure that:

- The granted foreign filing license notification is included where they believe it should be, based on the subject matter of the application; and
- The publication information is accurate.

Applicants should request a corrected filing receipt if they believe that the application should have cleared the security review process, and the USPTO has not yet issued a corrected or replacement receipt with a granted foreign filing license notification. Applicants should also submit a request if any other information on the filing receipt needs to be corrected.

37 CFR 1.183 permits the USPTO to waive sua sponte any requirement of its regulations that is not a requirement of the patent statutes. Consistent with this authority, if an applicant files a petition for a retroactive foreign filing license due to the issuance of a filing receipt without such

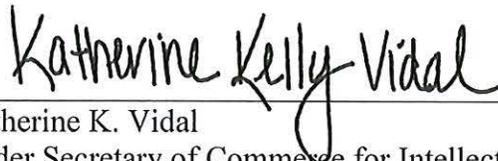
a license between March 2022 and mid-October 2022, the petition filing fee will be waived sua sponte if requested in the petition.

Please contact the USPTO with any questions. For questions about a request for a corrected filing receipt, contact the Application Assistance Unit at 571-272-4200. For questions about foreign filing licenses, contact Licensing and Review at 571-272-8203. For questions about filing a petition for a retroactive foreign filing license, contact the Office of Petitions at 571-272-3282.

You can direct any other questions about this notice to the Office of Patent Legal Administration at 571-272-7701 or [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

We are here to help!

Dated: 1/3/2023



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Katherine K. Vidal  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office