

### BP AI INTER PARTES REEXAM “APPELLANT’S BRIEF ONLY” REVIEW CHECKLIST (§ 41.67)

Owner       Requester

Date Rec’d: \_\_\_\_\_ Date Due: \_\_\_\_\_ Date Rev’d: \_\_\_\_\_

REVIEW TEAM/ REVIEWER: \_\_\_\_\_

● **MERGER WITH EX PARTE REEXAMINATION PROCEEDINGS**

If the Inter Partes Reexamination Proceeding is merged with an Ex Parte Reexamination Proceedings, the Inter Partes Reexamination Rules control

● **PRIOR NOTICE OF NON-COMPLIANCE**

Has a supplemental Brief (and/or other paper(s)) been filed to address all matters?

If Yes, enter      If  No:

*The Paralegal will only mail ONE Notice of Non-Compliance per application.*

*If a Corrected Brief is filed and if all prior issues are not addressed (or paralegal is unsure if all issues are appropriately addressed), the application should be brought to the attention of the 1<sup>st</sup> line supervisor.*

**CHECKLIST BRIEF FILED UNDER 37 CFR 41.67, as published in 69 Fed. Reg. 49960 (Aug. 12, 2004)**

Y N

**Page Limit/Word Count Limit** – Appellant’s brief shall not exceed 30 pages or 14,000 words in length, excluding appendices of claims and reference materials such as prior art references (§ 1.943(c)), unless a petition waiving § 1.943(c) was granted. If the permitted page limit for the brief is exceeded, a certificate is required stating the number of words contained in the brief.

Over the permitted page limit:  Yes  No

If over the permitted page limit, Certificate for the number of words:  Yes  No

Y N

**Statement of the Real Party in Interest** – A statement identifying by name the real party in interest. 37 CFR 41.67(c)(1)(i).

Check the “No” box if the content is missing.

Y N

**Related Appeals and Interferences** – A statement identifying all appeals, interferences or judicial proceedings known to appellant, or an indication of “none”. See 37 CFR 41.67(c)(1)(ii).

Check the “No” box if the content is missing.

Y N

**Status of Claims** – A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled). If the appellant is the owner, the appellant must also identify the rejected claims whose rejection is being appealed. If the appellant is a requester, the appellant must identify the claims that the examiner has made a determination favorable to patentability, which determination is being appealed. See 37 CFR 41.67(c)(1)(iii).

Check the “No” box if the statement is incorrect, incomplete, missing or does not match RAN.

Check “Y” if record as a whole is clear.

Y N

**Status of Amendments** – A statement of the status of any amendment filed subsequent to the close of prosecution. See 37 CFR 41.67(c)(1)(iv).

Check the “No” box if the content is missing.

Y N

**Summary of Claimed Subject Matter** – A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by column and line number, and to the drawing(s), if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. See 37 CFR 41.67(c)(1)(v).

Check the “No” box if the concise explanation is missing references to the specification and/or drawings for the required claims. (NOTE: **We cannot accept references to the PG Publication**).

Y N

**Claims Appendix** – An appendix containing a copy of the claims to be reviewed on appeal. See 37 CFR 41.67(c)(1)(viii).

Check the “No” box if the content is missing or inaccurate.

Y N

**Evidence Appendix** – An appendix containing copies of any evidence submitted pursuant to § 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unlettered evidence is not permitted in the brief. See § 41.63 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner in any ground of rejection to be reviewed on appeal. See 37 CFR 41.67(c)(1)(ix). A statement of “none” is acceptable.

If briefs of the file record DO NOT rely on any of the above evidence, check the “Yes” box.

If the briefs of the file record DO rely on the above evidence and copies are not provided, check the “No” box.

Y N

**Related Proceedings Appendix** – An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section. See 37 CFR 41.67(c)(1)(x). A statement of “none” is acceptable.

If a statement is provided under 37 CFR 41.67(c)(1)(ii) that decision(s) have been rendered by a court or the BPAI, check the “No” box if copies of the decision are not provided in the Related Proceedings Appendix. Otherwise, check “Yes” box.