

Control No: _____

**BPAI INTER PARTES REEXAM “RESPONDENT’S BRIEF ONLY”
REVIEW CHECKLIST (§ 41.68)**

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 1st line supervisor.

CHECKLIST FOR BRIEF FILED UNDER 37 CFR 41.68, as published in 69 Fed. Reg. 49960 (Aug. 12, 2004)

Y N

Did Respondent file an Appellant’s Brief?

If yes, only check if the Respondent’s brief complies with the Page Limit/Word Count Limit

Y N

Page Limit/Word Count Limit – Respondent’s brief shall not exceed 15 pages or 7,000 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 of interest. 37 CFR 41.68(b)(1)(i).

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

Y N

Related Appeals and Interferences – A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to respondent, the respondent's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. See 37 CFR 41.68(b)(1)(ii).

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

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 respondent 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 unentered evidence is not permitted in the respondent's brief. See § 41.63 for treatment of evidence submitted after appeal. See 37 CFR 41.68(b)(1)(vii). 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 (b)(1)(ii) of this section. See 37 CFR 41.68(b)(1)(ix). A statement of “none” is acceptable.

If a statement is provided under 37 CFR 41.68(b)(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.