

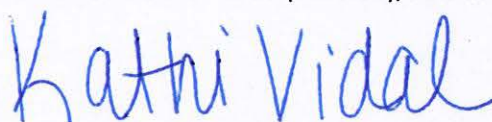
USPTO accepts pre-printed forms with a certificate of transmission via EFS-Web when a form is transmitted to the USPTO via Patent Center

The United States Patent and Trademark Office (USPTO) provides pre-printed forms for use by applicants. Some of these forms, such as the PTOL-85 Part B, include a provision that the benefit of a certificate of transmission is available when applicants transmit the form to the USPTO via EFS-Web. The USPTO has recently become aware that a question exists among some applicants as to whether the USPTO will accept such a certificate of transmission when applicants file via Patent Center. The USPTO has been accepting such a certificate of transmission whether the pre-printed form was filed via Patent Center or EFS-Web, as both are part of the USPTO patent electronic filing system.

To eliminate any confusion, the USPTO, pursuant to 37 CFR 1.183, is formally waiving the requirements of 37 CFR 1.6(a)(4) and 1.8(a)(1)(i)(C) and accepting a certificate of transmission on a pre-printed form provided by the USPTO, when the applicant transmits the paper to the USPTO via Patent Center, if the form indicates that a certificate of transmission is available when transmitting via EFS-Web. This waiver is effective for papers received before, on, or after November 15, 2023.

As a result of this waiver, applicants may continue to transmit USPTO pre-printed forms, such as the PTOL-85 Part B, to the USPTO via Patent Center and to benefit from the certificate of transmission, even when the certificate of transmission refers to transmission via EFS-Web and not Patent Center.

Applicants should be aware that existing guidance and outstanding USPTO actions and other communications from the USPTO that refer to EFS-Web and/or PAIR should be understood to refer to Patent Center starting on November 15, 2023. The guidance will be updated in due course. Inquiries concerning this notice may be directed to the Office of Patent Legal Administration at 571-272-7701 or patentpractice@uspto.gov. Any inquiries concerning the use of Patent Center may be directed to the USPTO's Electronic Business Center at 1-866-217-9197 (toll free), 571-272-4100, or ebc@uspto.gov.



Date: 11/15/2023

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