



EFS-Web Contingency Quick Start Guide

May 2010

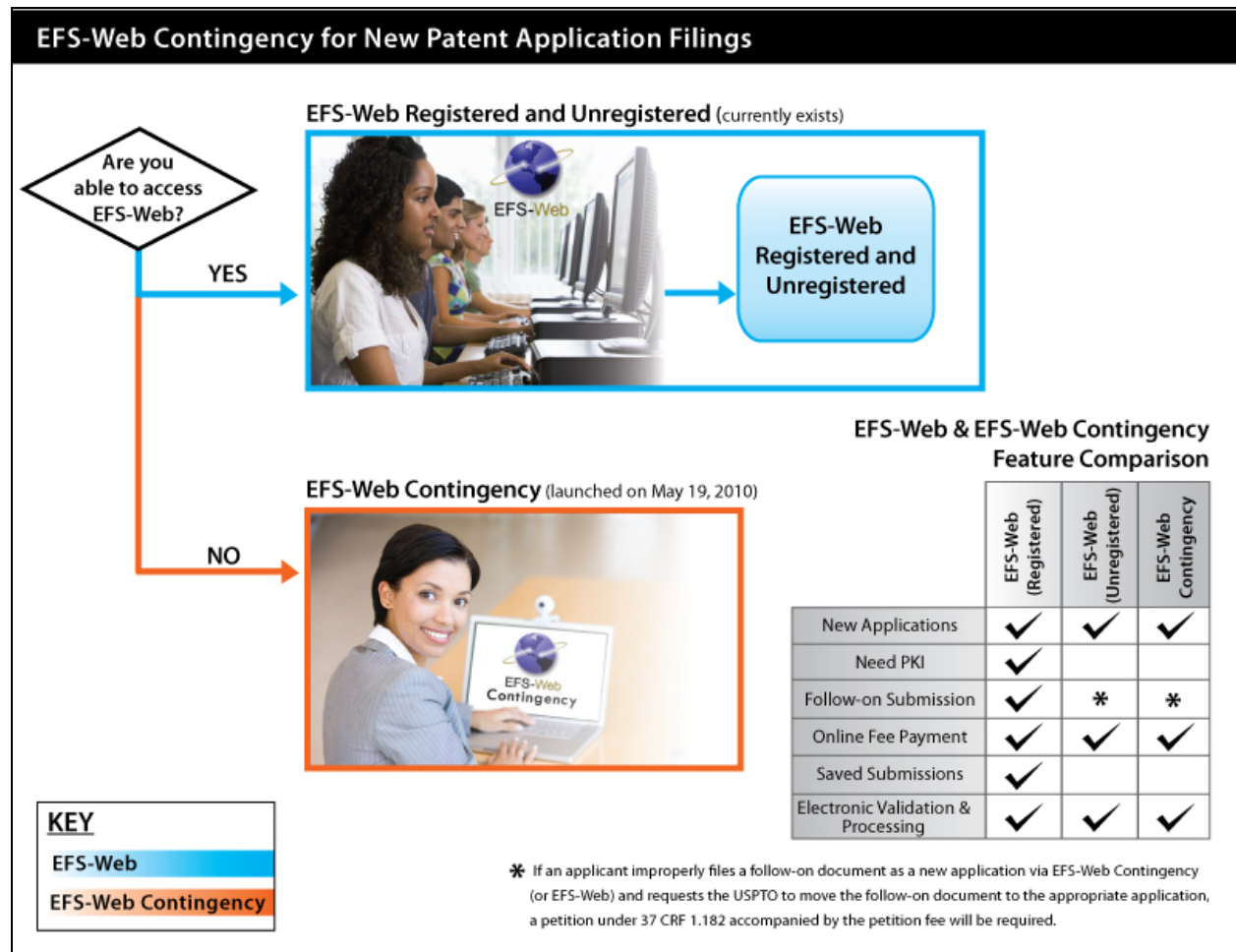
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1. Overview of EFS-Web Contingency

1.1. Introduction

The United States Patent and Trademark Office (USPTO) is increasing the availability of its patent electronic filing system, Electronic Filing System – Web (EFS-Web) by providing a new contingency option when the primary portal to EFS-Web is unavailable. Similar to EFS-Web Unregistered, EFS-Web Contingency offers the same user interface and equivalent functionality by permitting users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination, and certain petitions.



1.2. Benefits of EFS-Web Contingency

Benefits of the EFS-Web Contingency system include:

- Increased overall system availability for electronic filing, with EFS-Web availability supplemented by EFS Contingency
- Identical user interface and equivalent functionality as Unregistered EFS-Web
- Exactly the same back-end processing of submitted applications as Unregistered EFS-Web
- Users will continue to promptly receive an electronic acknowledgement receipt of their EFS-Web Contingency submission and have the ability to review their applications or documents via the Patent Application Information Retrieval (PAIR) system

1.3. Features of EFS-Web Contingency

Similar to EFS-Web, EFS-Web Contingency provides the identical user interface and equivalent functionality as Unregistered EFS-Web. The contingency system will continue to provide an Electronic Acknowledgement Receipt that establishes the date of receipt by the UPSTO of a new application.

Documents filed in EFS-Web Contingency must meet the same file format requirements established for EFS-Web, e.g., file size and PDF embedded-font requirements. The same file validation performed in EFS-Web will also be performed in EFS-Web Contingency.

Applications filed via EFS-Web Contingency are protected with the same level of security as EFS-Web for unregistered e-filers by using Transport Layer Security (TLS) to encrypt transmission over the Internet.

Applicants can submit online fee payments by selecting fees on the fee calculation screen and completing their payment at time of submission (i.e., chose the "Yes! I want to pay now" button rather than "No - I will pay later" button).

NOTE! Registered e-filers who have uploaded documents to a Saved Submission package in EFS-Web will not be able to access those Saved Submission documents in EFS-Web Contingency.

1.3.1. Accepted Filings

EFS-Web Contingency will only permit users to sign-on as an unregistered EFS-Web user to file new applications, national stage applications under 35 U.S.C. 371, requests for reexamination and certain petitions. Specifically:

1. Provisional patent applications under 35 U.S.C. 111(b);
2. Nonprovisional utility patent applications under 35 U.S.C. 111(a) (including reissue utility patent applications);
3. Nonprovisional design patent applications under 35 U.S.C. 171 (including reissue design patent applications);
4. International applications under PCT Article 11 for filing in the United States Receiving Office;
5. National stage applications under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage;
6. Requests for *ex parte* reexamination under 35 U.S.C. 302 for utility or design patents;
7. Requests for *inter partes* reexamination under 35 U.S.C. 311 for utility or design patents;
8. Petitions to make special based on age under 37 CFR 1.102(c) when filed as an e-petition using the EFS-Web SB130 form, for the automatic processing of the e-petition (for more information see http://www.uspto.gov/ebc/portal/efs/sb130_instructions.doc);
9. Petitions to accept an unintentionally delayed payment of maintenance fee under 37 CFR 1.378(c) when filed as an e-petition using the EFS-Web SB66 form, for the automatic processing of the e-petition , and payments of maintenance fees when submitted with the petition; and
10. Petition to make special under the accelerated examination program (must be filed with a nonprovisional utility patent application under 35 U.S.C. 111(a)).

1.3.2. Filings Not Accepted

EFS-Web Contingency will not permit follow-on fee payments and most follow-on documents (e.g., amendments and replies to Office actions) filed after the initial submission of the application, during an unscheduled EFS-Web outage. Applicants may file the follow-on documents or fee payments by: (1) facsimile transmission, (2) first class mail with a certificate of mailing in accordance with 37 CFR 1.8, (3) hand-delivery to the USPTO, or (4) “Express Mail” from USPS in accordance with 37 CFR 1.10. Documents that are required to establish the filing date of an application (e.g., a missing drawing figure or page of the specification) cannot be submitted by facsimile transmission, and certificate of mailing procedures under 37 CFR 1.8 do not apply to these documents.

NOTE! When an applicant improperly files a follow-on document as a new application via EFS-Web Contingency (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required.

1.3.3. Filing Options Guide

	New Applications ¹	Follow-On Documents	ePetitions ²	Saved Submissions ³
EFS-Web Registered	Yes	Yes	Yes	Yes
EFS-Web Unregistered	Yes	No	Yes	No
EFS-Web Backup	Yes	No	Yes	No
Fax (571-273-8300)	No	Yes	n/a	n/a
Express Mail	Yes	Yes	n/a	n/a
Walk-up Window	Yes	Yes	n/a	n/a
Certificate of EFS Transmission Under 37 CFR 1.8 ⁴	No	Yes	n/a	n/a

¹ New applications include: (a) provisional applications, (b) Nonprovisional utility applications, (c) Nonprovisional design applications, (d) International applications for filing in the US receiving office, (e) National stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, (f) Requests for ex parte reexamination under 35 U.S.C. 302, (g) Requests for inter partes reexamination under 35 U.S.C. 311

² ePetitions: When submitted through EFS-Web, the petition may be automatically granted with the grant document returned to the e-Filer as part of the acknowledgement receipt. ePetitions include: (a) *Petition to make special based on age under 37 CFR 1.102(c)*, (b) *Petition to accept unintentionally delayed payment of maintenance fee under 37 CFR 1.378(c)*

³ Save Submissions: Registered eFilers can save submissions on the EFS-Web server for up to seven (7) days before submitting them providing time for documents to be reviewed and edited

⁴ Certificate of EFS Transmission under 37 CFR 1.8: Used by the applicant as evidence of the date of filing to the USPTO

1.4. Accessing EFS-Web Contingency

1.4.1. EFS-Web Landing Page

Users can access EFS-Web Contingency by navigating to the EFS-Web Landing page on the USPTO.gov web site and selecting – ‘Launch EFS-Web Contingency Unregistered eFiler’.

About EFS-Web

EFS-Web is the United States Patent and Trademark Office’s (USPTO’s) Web-based patent application and document submission solution. Using EFS-Web, anyone with a Web-enabled computer can file patent applications and documents without downloading special software or changing document preparation tools and processes.

EFS-Web utilizes standard Web-based screens and prompts to enable you to submit patent application documents in PDF format directly to the USPTO within minutes. When creating your PDF documents, you choose the tool, process and workflow with which you author your documents, convert them to standard PDF files and then submit them to USPTO’s secure servers. Additionally, EFS-Web allows submission of *PCT-EASY*.ZIP compressed files to submit International PCT applications and ASCII text files (.TXT) to submit your bio-sequence listings, computer program listings, mega tables, etc. EFS-Web is safe, simple and secure and gives you all of the same benefits as paper filings, including an electronic receipt that acknowledges your submission date.



- [Launch EFS-Web Registered eFiler](#) - for enhanced filing, follow-on processing, saved submissions and more
- [Launch EFS-Web Unregistered eFiler](#) - for basic initial filing of new patent applications
- [Launch EFS-Web Contingency Unregistered eFiler](#) - for basic initial filing of new patent applications when the primary portal to EFS-Web has an unscheduled outage
- [EFS-Web Announcements](#) - recent and archived announcements, links to view availability of business systems and alerts
- [EFS-Web Resources](#) - instructions for becoming a Registered eFiler, system requirements, EFS-Web eForms, and other useful information and links

The Patent Electronic Business Center is open Monday - Friday, to help you with technical issues regarding EFS-Web. From 6:00 a.m. to 12 Midnight Eastern Time email ebc@uspto.gov or call 866-217-9197.

1.4.2. EFS-Web Outage Page

In the event of an unscheduled outage in the primary portal to EFS-Web, the USPTO will notify users with an outage page and provide a link to EFS-Web Contingency – ‘Launch EFS-Web Contingency’.

Portal Outage

The following Portal Applications may be unavailable:

- Patent Electronic Filing System - Web (EFS-Web)
- Patent Application Information Retrieval (Private PAIR)

EFS-Web Contingency

The United States Patent and Trademark Office (USPTO) is increasing the availability of its patent electronic filing system, Electronic Filing System – Web (EFS-Web) by providing a new contingency option when the primary portal for EFS-Web is unavailable. Similar to EFS-Web Unregistered, EFS-Web Contingency offers the same user interface and equivalent functionality by permitting users to file new applications, national stage submissions under 35 U.S.C. 371, requests for reexamination, and certain petitions.

Note: Follow-on submissions not permitted in EFS-Web Contingency

Filing follow-on documents and follow-on fee payments to an existing patent application is not permitted via EFS-Web Contingency. When an applicant improperly files a follow-on document as a new application via EFS-Web Contingency (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required.

Note: Saved Submissions not available in EFS-Web Contingency

Registered e-filers who have uploaded documents to a Saved Submission package in EFS-Web will not be able to retrieve those Saved Submission documents in EFS-Web Backup.

To file a new application using EFS-Web Contingency, click on the link below:



EFS-Web >> [Launch EFS-Web Contingency](#)

For more information please see the [EFS-Web Contingency Information page](#).

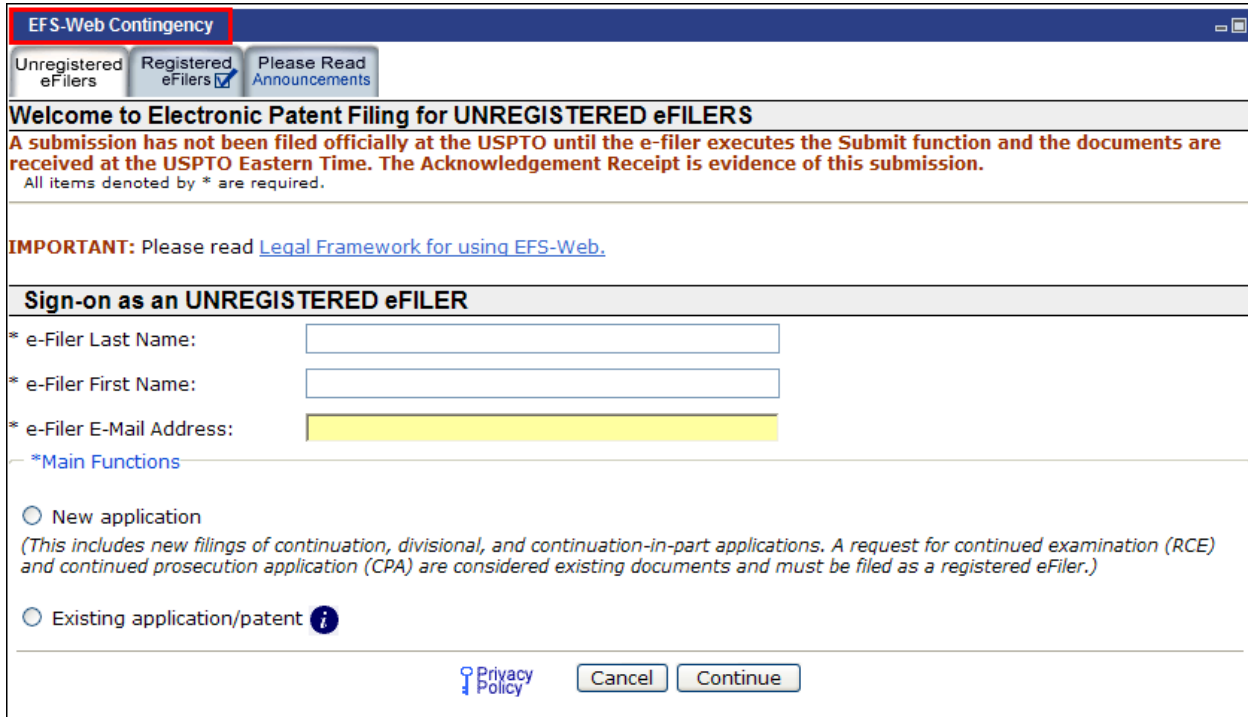
For additional system outage details please see: [eBIZ Alerts](#)

For questions about portal availability and session problems, please contact usptoinfo@uspto.gov or call **800-786-9199** (IN USA OR CANADA) or **571-272-1000**.

For specific questions about how to use Patent electronic systems to submit or review patent applications and patent documents, please call the Patent Electronic Business Center at **866-217-9197** (toll free) or e-mail EBC@uspto.gov.

1.4.3. EFS-Web Contingency Sign-on Page

Users can verify they are accessing EFS-Web Contingency by the heading title in the upper left-hand corner of the page.



The screenshot shows a web browser window titled "EFS-Web Contingency". At the top left, there are three buttons: "Unregistered eFilers", "Registered eFilers" (which is selected), and "Please Read Announcements". Below these buttons is a header section that reads "Welcome to Electronic Patent Filing for UNREGISTERED eFILERS". A warning message follows: "A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission." Below this is a note: "All items denoted by * are required." An important notice states: "IMPORTANT: Please read [Legal Framework for using EFS-Web.](#)" The main heading is "Sign-on as an UNREGISTERED eFILER". There are three required input fields: "e-Filer Last Name:", "e-Filer First Name:", and "e-Filer E-Mail Address:". Below these is a section titled "*Main Functions" with two radio button options: "New application" and "Existing application/patent". A note under "New application" explains that it includes continuations, divisionals, and continuation-in-part applications, and that RCE and CPA requests must be filed as registered eFilers. At the bottom, there is a "Privacy Policy" link, a "Cancel" button, and a "Continue" button.

TIP! When using EFS-Web Contingency, navigating away from the submission pages will lead to loss of data and require the user to fill out the pages again.

2. Additional Support

Call, e-mail or send a fax to the USPTO regarding any questions you may have about EFS-Web or related matters. You can contact the Patent Electronic Business Center (EBC) directly using the following telephone numbers or address information. The EBC hours of operation are also noted.

Weekday Operation: Monday – Friday: 6 AM - Midnight (Eastern Time)

Telephone:	1-866-217-9197 (toll-free)	571-272-4100 (local)
E-mail:	ebc@uspto.gov	
Fax:	571-273-0177	
Postal:	Mail Stop EBC Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450	

2.1. More Information on EFS-Web Contingency

For more information on EFS-Web Contingency please view the additional resources below.

- [Federal Register Notice](#)
- [EFS-Web Contingency FAQs](#)

For detailed instructions on filing documents through EFS-Web and/or EFS-Web Contingency

- [Quick Start Guide for EFS-Web](#)

2.2. Other Help Guides Available

In addition to this guide, there are several other Quick Start Guides available from the EFS-Web website that can help you understand how to use specific features in EFS-Web. Including:

- Quick Start Guide for PCT
- Quick Start Guide for Petition to Make Special based on Age
- Quick Start Guide for Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))

You will find a link to these guides on the USPTO EFS-Web homepage under EFS-Web Resources.