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Prior application must be complete under § 1.51(b), and may be filed prior to, on or after June 8, 1995.

Must name as inventors the same or fewer than all the inventors named in the prior application. (to delete an inventor, a statement requesting deletion is necessary, § 1.53(d)(4).

The CPA will utilize the file jacket (including the same application number and filing date) and contents of the prior application to constitute the new application. A new oath or declaration under § 1.63 is not required. The application number of the prior application will be used for identification purposes and a new application number will not be assigned.

A CPA is a request to expressly abandon the prior application, but the abandoned status of the prior application will not operate to make the file open to public inspection, § 1.14(a)(3)(iv).

A CPA must be timely filed in accordance with § 1.53(d)(1)(ii).

A new application filing fee is required.

The request for filing is considered as the specific reference required by 35 U.S.C. 120 and no amendment of the specification to include a reference to the prior application is necessary. Therefore, a specific reference to a prior application need not and should not be added to the first line of the specification of the CPA. Section 1.53(d)(7).

The CPA will be completely processed in and by the Group. (the Office of Initial Patent Examination will not be involved with the processing of the CPA).

The filing date of the CPA and CPA continuing data will not be listed on the face of the file jacket. The Request for a CPA and its filing date will only be an entry in the "Contents" on the file jacket.

Papers that carryover to the CPA from the prior application:  
Information Disclosure Statements, Terminal Disclaimers, affidavits under §§ 1.130, 1.131, and 1.132, § 3.73(b) certifications, unacted upon § 1.48 petitions where correction is still required, U.S. and foreign priority claims, general authorizations to charge a deposit account, and an election where the CPA is a continuation unless otherwise indicated.

Papers that do not carryover to the CPA from the prior application: small entity status requests, and an election where the CPA is a divisional.

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Any patent, except reissues or designs, issuing on a CPA will include a notice that: (1) the patent issued on a CPA; and (2) the patent is subject to the twenty-year patent term regime set forth in 35 U.S.C. 154(a)(2) and (b).

Paragraph (e)(1) of § 1.53 provides that if an application deposited under paragraphs (b)-(d) of this section is not entitled to a filing date, applicants will be so notified and given an opportunity to correct the filing error.

Paragraph (e)(2) of § 1.53 provides that any notification made pursuant to paragraph (e)(1) of this section may be reviewed by filing a petition under § 1.181 along with a fee per § 1.17(i). Otherwise, the filing date will be the date the filing error is corrected.

Paragraph (e)(3) of § 1.53 provides that if an applicant fails to correct the filing error notified of in paragraph (e)(1) of this section, the "proceedings" will be terminated and the application may be disposed of.

Paragraph (f) of § 1.53 sets forth completion of filing requirements for nonprovisional applications accorded a filing date, including a provision that an oath or declaration for a continuation or divisional application may be a copy of the oath or declaration filed in a prior application.

Paragraph (g) of § 1.53 sets forth completion of filing requirements for provisional applications accorded a filing date.

Paragraphs (h), (i) and (j) of § 1.53 contain material transferred from former § 1.53 paragraphs (e)(1), (e)(2) and (f).

§ 1.54 - **Parts of application to be filed together; filing receipt.**

Paragraphs (a) and (b) of § 1.54 are amended to reflect changes to § 1.53, and to indicate that filing receipts will not be issued for continued prosecution applications.