

Sequence Listings and Tables Related Thereto in International Applications Filed in the United States Receiving Office

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of **July 1, 2009**, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence listings/tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

Effective July 1, 2009, Part 8 (“Instructions Relating To International Applications Containing Large Nucleotide And/Or Amino Acid Sequence Listings And/Or Tables Relating Thereto”) and Annex C-*bis* (“Technical Requirements For The Presentation Of Tables Related To Nucleotide And Amino Acid Sequence Listings In International Patent Applications Under The PCT”) will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., compact discs), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include tables related to sequence listings and Annex C-*bis* was added to provide technical requirements. The capability to file complete international applications in electronic form is now available to all applicants, eliminating the need for these temporary provisions.

Summary of Changes Related to Sequence Listings/Tables Effective July 1, 2009

I. AI Part 8 and Annex C-*bis* deleted; Fees under AI § 707

Sequence listings/tables *forming part of the international application* are no longer acceptable on an electronic medium as part of an international application on paper. Tables filed as a separate part of the description in text format compliant with former AI Annex C-*bis* are no longer acceptable.

Where an international application is filed in electronic form via EFS-Web, a *sequence listing forming part of the international application* under PCT Rule 5.2 must be filed in either Annex C/ST.25 text format, which is preferred, or in PDF format. Where the *sequence listing forming part of the international application* is filed in Annex C/ST.25 text format, no further copy of a *sequence listing not forming part of the international application* is necessary for search purposes under PCT Rule 13*ter*, and NO page fees will be assessed for the sequence listing in text format. Where the *sequence listing forming part of the international application* is filed in PDF format, an additional copy of a *sequence listing not forming part of the international application* in Annex C/ST.25 text format is necessary for search purposes under PCT Rule 13*ter*, and FULL page fees will be assessed for every page of the sequence listing in PDF format.

Where the Annex C/ST.25 text format of a sequence listing is larger than the EFS-Web size limit of 100 megabytes, consistent with current practice, applicant may use EFS-Web to file part of the international application, obtain the international application number and the confirmation number, and submit the sequence listing on one or more compact discs using Express Mail from the United States Postal Service (USPS) in accordance with 37 CFR 1.10, or hand delivery, as

appropriate, in order to secure the same filing date for all parts of the international application. The Legal Framework for EFS-Web may be accessed at <http://www.uspto.gov/ebc/portal/efs/legal.htm>.

Where an international application is filed on paper, a *sequence listing forming part of the international application* under PCT Rule 5.2 must be on paper. An additional copy of a *sequence listing not forming part of the international application* in Annex C/ST.25 text format on physical medium (e.g., compact discs) is necessary for search purposes under PCT Rule 13ter, and FULL page fees will be assessed for every page of the sequence listing on paper.

Tables related to sequence listings must be filed as an integral part of the description. Where the international application is filed in PDF format via EFS-Web, tables must also be in PDF format and FULL page fees will be assessed for every page of the application in PDF format, including the tables. Where the international application is filed on paper, tables must also be on paper and FULL page fees will be assessed for every page of the application, including the tables.

II. Availability of Sequence Listings Provided for Search Purposes

Effective July 1, 2009, AI § 513 enables the International Bureau to make available, through the PATENTSCOPE® Search Service (see <http://www.wipo.int/patentscope/en/> for further information), any *sequence listing not forming part of the international application* provided for the purposes of international search (*sequence listings forming part of the international application* are already made available on PATENTSCOPE®). AI § 514(e) requires International Searching Authorities to transmit a copy of any such sequence listing in electronic form to the International Bureau.

III. Request (PCT/RO/101)

The July 2009 Request now has two options for the last sheet: one for PAPER filings; and one for EFS-Web filings. The form may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.

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Acting Director of the United States Patent and Trademark Office