

Chapter 500 Receipt and Handling of Mail and Papers

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501 Papers Received by Mail Branch

All patent applications are received first by the Mail Branch (Register, Correspondence and Mail Branch), where they are inspected to insure essential sufficiency as to form. The Mail Branch also receives amendments and other correspondence pertaining to pending applications and distributes them to the various examining divisions.

502 Depositing Papers

The application having been prepared and executed, it can be sent to the Patent Office by mail or express, or may be delivered by hand.

Amendments and other papers reach the Office by mail, or in Washington they may be deposited in the Mail Branch or in a box which is kept at the Patent Office for this purpose. See Rule 6, reproduced below.

Rule 6 Receipt of letters and papers. (a) Letters and other papers received in the Patent Office are stamped with the date of receipt.

(b) Mail placed in the Patent Office pouch up to midnight on weekdays, excepting holidays, by the post office at Washington, D. C., serving the Patent Office, is considered as having been received in the Patent Office on the day it was so placed in the pouch.

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the 14th and E Street entrance of the Patent Office on week-days except Saturdays, and at the main entrance of the Commerce Building on Saturdays, excepting holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

(d) No papers are received in the Patent Office on Sundays or holidays within the District of Columbia. [Old Rule 12]

503 Serial Number and Filing Receipt

Each application which meets the formal requirements as to completeness is immediately given a serial number and a filing date. Since the serial numbers are limited to six digits, a new series is started from time to time. It is therefore important, when referring to application files, to identify them by their filing dates as well as by serial number.

The Application Branch mails a receipt to the applicant for each application filed, giving the serial number, filing date, and division to which assigned.

In the Application Branch the application papers, with the exception of the drawing, are placed in a jacket and the data listed in 717.02 are placed thereon.

504 Register of Applications

The Chief of the Application Branch assigns the application to the examining division to which he thinks it belongs. A list of all applications arranged by serial numbers as well as an alphabetically arranged card index of the applicants is kept by the Application Branch and the identification of the division to which each application is sent is made part of this record.

505 "Office Date" Stamp of Receipt

In whatever manner an application or any part thereof, or an amendment, letter, or other paper is received by the Office, the date of its receipt is at once stamped thereon. This stamp is applied by the Mail Branch, except that in the case of prints or sketches accepted for purposes of examination, and drawings received with amendments, the stamp is applied by the Application Branch. The stamp employed for this purpose is referred to as the "Office Date" stamp. When stamped on the papers of an application, if the application is complete, this date is the same as the "filing date" of the application, and establishes for the applicant the date of constructive reduction to practice of his invention as defined in subsequently allowed claims.

506 Determination of Completeness of Original Application

If the application papers are too informal to warrant their being forwarded to the proper examining division, they are not given a serial number, but the case is held in the Application Branch as an *incomplete* application and the applicant is informed of the shortcomings of the papers.

Such fatal informality may consist of the omission of any one of the component parts of an application except the petition (see Chapter 600); or it may consist of failure of notary to sign the jurat, execution of oath before a notary who has power of attorney in the case, failure to present any claim, insufficient fee, etc.

If any two of the component parts of the application are properly signed by the applicant, his failure to sign the other parts will not of itself defeat acceptance as a complete application, provided that a notarized oath is included among the application papers. Under Rule 58 an application if executed on the "Approved Single Signature Form" requires only a single signature.

506.01 Return of Incomplete Application

If a request is made, the parts of the incomplete application are returned to the applicant; otherwise, the papers are retained in the Application Branch for at least six months, and then sent to the abandoned files. They may be used by applicant as part of a complete application if the missing parts are later supplied. See Rule 53.

Whatever fee has been paid is returned to the applicant at the end of twelve months, if no steps have meanwhile been taken looking to completion of the application.

507 Drafting Branch

The drawing is sent to the Drafting Branch to be inspected for formal compliance with the rules. If the drawing is satisfactory, or if it

contains defects which are not so serious as to warrant holding the application to be incomplete, the Draftsman enters the appropriate notation (608.02 (a) and 608.02 (b)).

If the drawings are so informal that they may not serve for examination purposes or for the purpose of receiving a filing date, the Draftsman writes in lead pencil on the margin of the drawing "Inf." (Informal). The drawings are then returned to the Application Branch, which writes the applicant that the application is incomplete and will not be given a date and serial number until a proper drawing is filed.

508 Distribution

The Application Branch has permanent prints made of the drawings of all complete applications and secures the prints in the file wrappers. The drawings and files are then assembled and forwarded to the proper examining divisions.

In the exceptional case where an application without a drawing is given a filing date and the Examiner subsequently requires a drawing, or where for any other reason a new sheet or drawing is added by amendment, a print of such drawing is made and forwarded to the division to be placed in the file as an official paper.

On receipt of the application by the Mail Branch, the fee is forwarded by that Branch to the Finance Officer, after entry on the application papers and in a record book; while the petition, specification, oath, and power of attorney, if there be one, are sent to the Application Branch.

As to the procedure to be followed when a model is filed, see 608.03 and 608.03 (a).

508.01 Papers Sent to Wrong Divisions

Drawings, amendments and other papers that are delivered to divisions to which they do not belong must be promptly returned to the Application Branch, which will immediately refer to the application books, and assign the papers to the proper division. (Order 1552.)