

Chapter 900 Prior Art, Classification, Search

- 901 Prior Art
 - 901.01 Canceled Matter in U.S. Patent Files
 - 901.02 Abandoned and Forfeited Applications
 - 901.03 Pending Applications
 - 901.04 U.S. Patents
 - 901.05 Foreign Patents
 - 901.05(a) Citation Dates
 - 901.05(b) Other Significant Data
 - 901.05(c) Obtaining Copies
 - 901.05(d) Translation
 - 901.06 Non-Patent Publications
 - 901.06(a) Scientific Library
 - 901.06(b) Borrowed Publications
 - 901.06(c) Alien Property Custodian Publications
 - 901.06(d) Abstracts of U.S. Applications
 - 901.07 Arrangement of Art in Examining Divisions
 - 901.08 Borrowing References
 - 901.09 Missing Copies—Replacement
- 902 Official Publications and Indices of U.S. Patents
 - 902.01 Manual of Classification
 - 902.02 Definitions
 - 902.02(a) Search Notes
 - 902.02(b) Search Cards
 - 902.03 U.S. Patent Classification Indices
 - 902.03(a) Numerical
 - 902.03(b) Blue Slip
 - 902.03(c) Subclass Lists
 - 902.03(d) Count
 - 902.04 Classification Orders and Bulletins
- 903 Classification
 - 903.01 Statutory Authority
 - 903.02 Basis and Principles of Classification
 - 903.02(a) New and Revised Classes
 - 903.02(b) Scope of a Class
 - 903.03 Of Foreign Patents
 - 903.04 Stamping Examiners' and Search Room Copies
 - 903.05 Transfer of U.S. Patents
 - 903.06 Ordering Official Cross-References
 - 903.06(a) Discovery of New Cross-References
 - 903.07 Classifying and Cross-Referencing at Allowance or before Issue
 - 903.07(a) Cross-References — Keeping Systematic Notes during Prosecution
 - 903.07(b) Issuing in Another Division Without Transfer
 - 903.08 Applications—Assignment and Transfer
 - 903.08(a) New Applications
 - 903.08(b) Classification and Assignment to Examiner
 - 903.08(c) Immediate Inspection of Amendments
 - 903.08(d) Transfer Procedure
 - 903.08(e) General Regulations Governing Application Assignment
 - 903.08(f) Classification Examiner's Decision

- 903.08(g) Transfer to Another Division after Decision
- 904 How to Search
 - 904.01 Analysis of Claims
 - 904.01(a) Variant Embodiments within Scope of Claim
 - 904.01(b) Equivalents
 - 904.01(c) Analogous Arts
 - 904.01(d) Outlining Field of Search
 - 904.02 Selecting Pertinent References
- 905 Miscellaneous
 - 905.01 Orders for Photoprints
 - 905.02 Orders for Soft Copies
 - 905.03 Orders for Patented and Abandoned Files
 - 905.04 Marking Examiners' Copies

901 Prior Art

Extract from Rule 104. (a) On taking up an application for examination, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the invention sought to be patented.

901.01 Canceled Matter in U.S. Patent Files

Canceled matter in the application file of a U.S. patent is not a proper reference.

901.02 Abandoned and Forfeited Applications

Rule 108. Abandoned and forfeited applications not cited. Abandoned and forfeited applications as such will not be cited as references.

Where a forfeited or abandoned application is referred to in an issued U.S. patent the disclosure of the application is incorporated by reference into the disclosure of the patent and is available to the public. See Rule 14(b).

In re Heritage, 1950 C.D. 419; 639 O.G. 638 holds that where a patent refers to and relies upon the disclosure of a copending abandoned application, such disclosure is available as a reference.

It has also been held that where the reference patent refers to a copending but abandoned application which discloses subject matter in common with the patent, the effective date of the reference as to the common subject matter is the filing date of the abandoned application. Ex parte Clifford, 49 U.S.P.Q. 152; Ex parte Peterson, 63 U.S.P.Q. 99; and In re Switzer et al., 612 O.G. 11.

901.03 Pending Applications

U.S. applications which are pending before the Office are preserved in secrecy and so are not available as references (Rule 14a) except that claims in one application may be rejected on the *claimed* subject matter of a copending application of the same inventor (822.01) or assignee (305).

Published abstracts and abbreviations of applications are references (901.06(d)).

When a file is removed from the Group application rack for use by an examiner assigned to that Group, but not having jurisdiction of that file, cardboard Form OF-25 should be inserted in place of the borrowed file. (Basis: Notice of January 14, 1965.)

901.04 U.S. Patents

The following different series of U.S. patents are being, or in the past have been issued. The date of patenting given on the face of each copy is the publication date and is the one usually cited. The filing date, in most instances also given on the face of the patent, is ordinarily the effective date as a reference.

X-Series. These are the approximately 10,000 patents issued between 1790 and July 4, 1836. They were not originally numbered, but have been arbitrarily assigned numbers in the sequence in which they were issued. The number should *not* be cited. When copies are ordered, the patentee's name and date of issue suffice for identification. Copies in stock are arranged chronologically.

1836 Series. The mechanical, electrical, and chemical patents issued since 1836 and frequently designated as "utility" patents, are included in this series. A citation by number only is understood to refer to this series. This series comprises the bulk of all U.S. patents issued. Some U.S. patents issued in 1861 bear two numbers but only the larger number should be cited.

Reissue Series. Reissued patents (1401) have been given a separate series of numbers, preceded by "Re." In citing the letters must be given, e.g., Re 1776. The date that it is effective as a reference is the effective date of the original patent application, not the filing date of the reissue application.

A. I. Series. From 1838 to 1861, patents covering an inventor's improvement on his own patented device were given a separate series of numbers preceded by "A.I." to indicate Additional Improvement. In citing, the letters must be given, e.g., A.I. 113. About 300 such patents were issued.

Plant Patent Series. When the statutes were amended to provide for patenting certain types

of plants (Chapter 1600) these patents were given a separate series of numbers. In citing, the letters "P.P." must be given, e.g., P.P. 13.

Design Patents. Patents for designs (Chapter 1500) are issued under a separate series of numbers. In citing, the letter "D" must be given, e.g., D. 140,000.

901.05 Foreign Patents

For a comprehensive list of the patent publications officially issued by foreign governments and detailed instructions for their use see "Manual of Foreign Patents" by Belknap Severance, 161 pages, published 1935 by the Patent Office Society.

901.05(a) Citation Dates

Source	Citation date
Australia.....	Complete specification accepted.
Austria.....	Ausgegeben.
Belgium.....	Brevet Octroyé or Octrooi Torgekend.
Canada.....	Issued.
Czechoslovakia.....	Vydano.
Denmark.....	Udstedt.
Finland.....	Julkaistu.
France.....	Dé livré.
Germany.....	Ausgegeben. See 901.05(b)
Germany (East).....	Tag der Ausgabe der Patentschrift.
Great Britain.....	Complete specification published or complete specification accepted. See 901.05(b)
Hungary.....	Megjelent.
India.....	Complete specification left.
Ireland.....	Complete specification accepted.
Italy.....	Des., Rilasciato or Data di Concessione.
Netherlands.....	Uitgegeven. See 901.05(b)
Norway.....	Offentliggjort.
Philippines.....	Patented.
Poland.....	Undesignated date on top right of patent.
Sweden.....	Publicerat or offentliggjort.
Switzerland.....	Publié or Veröffentlicht or Publicato.
U.S.S.R.....	"Received in Scientific Library" (stamped).

The dates indicated in the table are customarily used in the identification of foreign patents which are cited as references. These dates are not in all cases the effective dates of the references, either as printed publications or as patents and when the dates become critical, it may be necessary to establish the exact effective date of the reference as is pointed out in 901.05(b).

901.05(b) Other Significant Data

Occasionally, the exact date of foreign patenting becomes material. In the case of Australia, Great Britain, India, Ireland and U.S.S.R., it does not appear on the printed copies of the patents. If necessary, this information can be secured from the Scientific Library. For the effective dates of Belgian patents, see the Memorandum of March 2, 1959, which has been reproduced in 41 J.P.O.S. at page 440. For the effective dates of Italian patents, see the Memorandum of October 25, 1960 distributed to all Examiners. Comments concerning German, French and Belgian procedure in granting patents are found in *Ex parte Gruschwitz et al.*, 138 U.S.P.Q. 505. This case did not involve anticipation but the bar of foreign patenting under 35 U.S.C. 102(d).

German allowed applications have been issued in printed form beginning September 1, 1955. Those printed from this date up to December 31, 1956, are captioned "Patentanmeldung." They should be cited as "German printed applications" and identified by the name of the applicant and serial number of the application; the date of printing is the date following the words "Bekanntgemacht am." The applications printed after January 1, 1957, are captioned "Auslegeschrift" and have an additional number which is larger than 1,000,000; this new number should be used instead of the original serial number. The date following "Ausgabe der Auslegeschrift" should be cited. In addition to the above, data customarily given in citing foreign patents should be used.

German Utility Models (Gebrauchsmuster) may be used as references as prior patents, but not as prior printed publications, effective as of their registration date. When necessary, the Librarian will obtain the complete text of the specification from the German Patent Office. A file of such copies is maintained in the Scientific Library.

Netherlands applications, unless withdrawn, are printed beginning January 1, 1964. They are captioned "Octrooiaanvraag". They should be cited as Netherlands *applications* giving the number, date of publication, "Datum van ter inzagelling", name of applicant, "Aanvrager", and data customarily given in citing foreign patents. (Basis: Notice of December 2, 1964.)

Certain British applications had become void and hence lack a date of acceptance. Nevertheless, they were given a number in the patent series. The date of publication (year only) is given following the statement "Printed for His Majesty's Stationery Office," and this should be cited.

British specifications prior to 1916 have printed in large heavy type at the head of the

first page of the specification a number and year, as 1451 A.D. 1912. This, together with the name, as required by the rules, is always the proper citation of the patent. The year given at the head of the specification is either the year of filing or the year of acceptance, but in either case it is the official designation of the patent.

The year printed on the drawing is not always the year for correct designation of the patent. Where it is not, the correct year is shown by a small superior number or exponent placed to the right and above the serial number of the patent, as—

1910—No. 499¹¹

1912—No. 19421¹³

In instances of this kind the patent should be cited as No. 499 of 1911 or No. 19421 of 1913.

Some countries issue patents of addition and they should be identified as such and the number of the addition patent should be cited.

"Patents of addition" generally cover improvements of a patented parent invention and can be obtained by the proprietor of the parent invention. Inventiveness in relation to the parent invention need not be demonstrated and the term is governed by the term of the parent patent.

For citation of the number of pages of drawing and specification, see 707.05(e).

Some foreign countries list the references cited during the prosecution. These, especially if they are U.S. patents, may be helpful, either as references of interest to the examiner or to suggest an overlooked field of search.

901.05(c) Obtaining Copies

Prints of foreign patents classified in arts in other classes other than the ones in which he examines can be had by an Examiner if he thinks the patents would be of frequent use in his own class (905.01).

901.05(d) Translation

Examiners may request translators in the Translation Section to assist them orally or with written translations of any specifications in languages with which the examiner is not familiar. (See 901.06(a), *Translations—Requests for Translations*, and 903.03, *Classification of Foreign Patents*, below.) Alternative versions of specifications, in English or other languages known to the Examiner, can commonly be found. Searches for alternate versions are performed in the Stack Service Section of the Scientific Library. As a substitute for translation, this service materially reduces the apparent problem posed by a foreign language specification.

901.06 Non-Patent Publications

All printed publications may be used as references, the date to be cited being the publication date. Recognized abbreviations of names of periodicals may be used in their citation (707.05(e)).

There are some publications kept or circulated in every group and each assistant Examiner should ascertain which are available in his group and whether or not any of them is likely to bear on any class assigned to him.

901.06(a) Scientific Library

The technical literature, foreign patents and services supplied by the Scientific Library are important to the Examiner for two primary reasons. In the first place, they provide material which must be known or searched to determine whether claims of applications are directly anticipated, and therefore unpatentable under the provisions of 35 U.S.C. 102(a) or (b). In the second place, in cases in which the primary search indicates that there is some novelty as compared to any single reference in the art, the library handbooks, textbooks, periodicals, reports and other materials assist in deciding the question of patentable invention (35 U.S.C. 103). They enable the examiner to make a further study to determine whether the features novel in the particular combination searched would be obvious to a person skilled in the art from the general state of knowledge as reflected in the technical literature.

MATERIALS AVAILABLE

Foreign Patents

The Library receives foreign patents by exchange from almost all countries which issue printed patents. These patents are bound into book collections which include one set arranged in numerical order and, for most principal countries, another set in order of the classification used by that country. The date of receipt of each patent is stamped on the first (i.e., numerically arranged) copy of the patent and in a ledger. To ascertain whether a copy of a foreign patent has been received inquiry should be made of the Stack Service Section on Extension 2470.

The Library has a set of officially published abstracts known as *British Abridgments*. These are classified according to broad subjects.

Foreign Patent Journals

Most foreign countries issue official patent and trademark journals corresponding to the *Official Gazette*. Patent journals are shelved under country names in the patent collections,

and with the numerical sets of those countries which print their patents. Trademark journals constitute a separate collection which is presently shelved in the Arlington warehouse.

Books

A representative selection of books published in the United States and Great Britain in the fields of applied technology is systematically acquired by the Library. In addition to the English language books, there is a modest selection from French and German literature, mostly in the field of chemistry. There are also collections in the various examining groups of books and trade catalogs pertinent to the arts which they examine. The Design Patent Group has a great many manufacturers' catalogs.

In selecting books and periodicals to be ordered, the Librarian and his staff obtain assistance from members of the Examining Corps, and suggestions concerning materials to be obtained are welcomed at any time. A monthly list of accessions is circulated to all examining groups at the beginning of each month and the books are placed on inspection in the Library for several weeks thereafter. Duplicate copies of books on this list, or any other pertinent book, may be ordered by Examiners for use in the groups by addressing a memorandum to the Librarian over the signature of the Primary Examiner.

The books and trade catalogs procured for permanent assignment to the examining groups are recorded in the Library's main catalog, and copies of these books usually are available in the Library.

Technical Periodicals

Over 1,500 technical periodicals are received. These include publications of many important scientific and technical societies. The list includes a number of titles in the design patent field and in fields of interest to non-examining areas of the Office.

Most of the periodicals received by the Library are circulated to examining groups. Once each year the Library sends to each group a list of all titles currently circulated to them with request for suggestions for changes. This systematic procedure does not preclude the requesting of subscriptions for new titles at any time, and the Library itself will occasionally add new titles. The Library is alert to new periodical publications and it acquires sample copies which it sends to groups likely to be interested with a request for review and recommendation.

An important part of the duties of each Examiner involves constant inspection of non-patent literature pertinent to the class or classes

that he examines. He should fill out a form PO-253 for each item needed in connection with search in his arts. All information required by the order form should be given, including the name of the publication, the particular pages desired, and each class and subclass in which he desires a copy, and the order approved by the Primary Examiner. The order should be sent to the Document Services Branch (with the publication where possible).

Technical Documents

Almost all unclassified and declassified technical documents issued by the Atomic Energy Commission and agencies such as the Office of Technical Services, Armed Services Technical Information Agency, National Aeronautics and Space Administration, and the National Bureau of Standards, are received.

AIDS TO SEARCHING

Encyclopedic works, published indexes, and abstracting vehicles which assist searches in patents and technical literatures are constantly increasing in number and quality. The Library welcomes suggestions for acquisition of available or forthcoming aids to searching. In conducting library searches, examiners are encouraged to supplement their own familiarity, skill, and available time by assignments to patent aids and by queries addressed to the Circulation and Reference Section of the Library (Ext. 2500).

CARD CATALOGS

Main Catalog

This card catalog is located in the Reference Room and lists all materials in the Library, the Law Library and Examining Groups except patent specifications and Atomic Energy Commission documents. If an examiner finds that the book he desires is not on the shelf he may be able to ascertain through the card catalog that another copy is available elsewhere in the Office. Examiners sometimes acquire material independently of the Library, and it is important that any such material should be sent to the Library's Technical Processes Branch for cataloging to assure that it may be recorded for the benefit of the entire office.

The Library of Congress classification scheme is used in classifying the books, bound periodicals, and documents other than those of the Atomic Energy Commission and the books in the Law Library. A printed outline of this

scheme is kept on one of the reading tables on the second floor of the book stacks. The examiner will find it helpful in determining the general subject area of the field in which he is interested. Catalog cards are made for the author, title when distinctive, and subjects. Bound volumes of periodicals are cataloged, classified and maintained on the bookshelves, while those which have not yet been bound are separately located in alphabetical order. At the beginning of the main card catalog, there is a separate card listing of bound periodicals and foreign patent and trademark journals.

Catalog of Atomic Energy Commission Documents

This catalog is separate from the main card catalog and lists unclassified and declassified AEC documents by series. Publication of these cards was terminated on July 1, 1959, but information of this kind from publications subsequent to that date can be obtained from *Nuclear Science Abstracts*.

Underwood Card Digest

This is a card catalog of patent decisions made by the Commissioner and by the various courts. Each card contains a digest of the decision.

LIBRARY SERVICES

Foreign Patent Information

Upon request made to the Circulation and Reference Section (Ext. 2500) the Library will procure individual typewritten copies of patents from countries which issue, but do not print them. Where applicable, the dates of opening to inspection, of issuance and of publication will be requested of the foreign patent office. The copy of each patent so acquired is retained in a special file in the Stack Service Section, and a photocopy thereof is submitted to the examiner.

Technical Documents

When technical reports, such as those published by U.S. Government agencies and their contractors are desired, the Library should be provided with all necessary identifying data, including the report number if available. The Library will obtain printed copies whenever they are available but it may sometimes be possible to obtain only a microfilm or microprint copy.

Manufacturers' Catalogs and Advertising Circulars

These publications will be obtained by the Library upon request. The Library does not obtain duplicate copies and therefore the Group copy is used to fill photocopy requests. Many copies of this type of material are received and they are sent to the groups for recommendations as to retention. They must be returned to the Technical Processes Branch of the Library with information as to whether the groups wishes to retain them. If they are to be retained by the group, they will be cataloged by the Library and returned; otherwise they may be sent to another group.

The Technical Processes Branch will assist examiners who wish to build up collections of catalogs or circulars pertinent to their arts, by writing for copies to companies listed under pertinent subject headings in *Thomas' Register of American Manufacturers* and *MacRae's Bluebook*. *Thomas' Register* gives product classifications, an alphabetical list of trade names, brands, etc.; international trade section, boards of trade, and other commercial organizations, leading trade papers; and volume 4 is an index providing a product finding guide to the contents of the first three volumes. *Thomas Micro-Catalogs*, consisting of a film viewing machine and a set of catalogs of about 2,450 American manufacturing firms in the form of sheets of microfilm, is available in the Reading Room (Room 1895) near the 4-volume *Thomas Register of American Manufacturers*, which serves as an index for the file. *MacRae's Bluebook* is a comprehensive listing of sources of industrial equipment, products and materials, alphabetically arranged by product headings. The principal arrangement is by subject and there is also an index to advertisers. The Examiner should be aware of *Sweet's Catalog Service*, an annual publication which consists of six separately bound files of manufacturers' catalogs covering architecture, engineering, process industries, mechanical industries, power plants and product design.

Loan of Books and Other Publications

General

All Library materials other than the books in the main reference collection in the Reference Room (1895) may be charged out at the circulation desk. Materials should be kept as briefly as possible, and ordinarily no longer than two weeks. Since all library materials are used for reference purposes, none may be taken outside of the Commerce Building. Examiners may use the Commerce Department Library but may not charge out its books.

Books needed from that Library for official use should be obtained through the Scientific Library by means of interlibrary loan as described in the following paragraph.

Interlibrary Loans

On request the Circulation and Reference Section will borrow from other libraries materials not available in the Scientific Library. In return for this service, the Library loans its materials to other libraries in the District of Columbia so that occasionally an Examiner may find that the item he desires is unavailable. These materials which are out on interlibrary loan may be recalled for the Examiner if required for immediate use. To borrow books from another library is costly in terms of both time and effort; therefore, it is library policy not to borrow materials unless strictly pertinent to official use. Law books cannot be borrowed by the Library for use by Examiners in connection with law courses.

When a book or periodical is borrowed from another library, and cited in an office action, a photocopy of the portion cited should be ordered immediately and placed in an appropriate class and subclass. This class and subclass should be cited in the office letter. A separate file of duplicate photocopies of borrowed references is maintained in the Stack Service Section.

Reference Services

General

The staff of the Circulation and Reference Section (Ext. 2500, Room 1895) will assist examiners in the use of the card catalogs and other resources of the Library, in pointing out publications which will help the examiners define the limits of the field of search, and in providing information for use in prior art searches. Upon request, it will provide bibliographies on given subjects. As requested by examiners, it performs searches in foreign patent journals to ascertain the dates of opening to public inspection, of grant or sealing, and of publication of specified foreign patent applications.

Procurement of Patents

The Circulation and Reference Section will initiate action to procure specified foreign patents which are not in the Library's collections. (See 901.06(a), *LIBRARY SERVICES—Foreign Patent Information*, above.)

Publication Dates of Nonpatent Materials

Requests pertaining to the earliest date of publication or first distribution to the public of publications for which this information is required should be made to the Circulation and Reference Section. A duplicate copy of the reply incorporating this information will be forwarded to the examiner.

Alternate Versions of Foreign Patents

The problem of using a patent published in an unfamiliar language can be materially reduced by discovery of an approximate equivalent in English or a familiar foreign language. Searches for alternate versions are undertaken by the Stack Service Section of the Library (Ext. 2470).

Translations

Requests for Translations

Examiners may consult the Translation Section at any time for oral assistance in trans-

lating foreign patents or literature. If it is determined that a written translation of part or all of a patent, periodical article, or book is required, request should be made to the Chief Librarian. Translations are made from all of the principal European languages and from Japanese. The Library will have required translations from other languages made elsewhere.

Card Index of Available Translations

This index lists all translations which have been made by the Translation Section of the

Library and a few others gathered from miscellaneous sources. The card file and over 10,000 translations of foreign patents and trademarks with some periodical articles and excerpts from books are located in the Translation Section. Translations, which are available to examiners and non-Office personnel, are indexed by country, patent or trademark number, and patentee or author. A copy of any translations coming to an examiner from outside of the Office should be furnished to the Translation Section so that it may make a copy for its files. In this case the source is indicated on the translation so that it will not be certified as an official translation of the Patent Office.

All examiners are provided with a pamphlet, "The Patent Office Scientific Library," which gives further details concerning library services.

901.06(b) Borrowed Publications

Whenever it is necessary to borrow reference material from other libraries including the main Commerce library, for official use, or to obtain catalogues, bulletins or other literature, a letter to this effect is sent to the Librarian, Scientific Library. (Basis: Circular of Oct. 7, 1922.)

A PHOTOCOPY SHOULD IMMEDIATELY BE ORDERED OF THE PORTION OF ANY BORROWED BOOK WHICH IS CITED IN AN OFFICE ACTION. SUCH PHOTOCOPY SHOULD BE PLACED IN AN APPROPRIATE CLASS AND SUBCLASS AND SUCH CLASS AND SUBCLASS MUST BE CITED IN THE OFFICE LETTER. See 707.05 for citation data.

As the Examiner currently inspects non-patent literature pertinent to the class or classes that he examines, he should fill out a form PO-250 for each item or part thereof that is essential in connection with search in his arts. The publication, the particular pages desired, each class and subclass in which he desires a copy and the other information on the order form should be given and the order approved by Primary Examiner.

The order should be sent to the Manuscript and Lithographic Branch with the publication (where possible).

A reasonable effort should be made to avoid duplication of disclosures that are patented or about to be patented. (Basis: Notice of October 31, 1949.)

901.06(c) Alien Property Custodian Publications

Applications vested in the Alien Property Custodian during World War II were published in 1943 even though they had not become patents.

Care must be taken not to refer to these publications as patents; they should be designated as A.P.C. published applications.

An A.P.C. published application may be used by the examiner as a basis for rejection only as a printed publication effective from the date of publication which is printed on each copy.

The manner of citing one of these publications is as follows: A.P.C. Application of -----, Ser. No. -----, Published -----

Before citing any A.P.C. published application, and before each subsequent action, the examiner should verify whether the application has become abandoned or patented. If it has become abandoned, the examiner's action should state this fact. If it has become patented the patent is to be cited. The patent should be substituted for the printed application as the basis for the rejection unless the date of publication is material. (Basis: Notice of May 14, 1943.)

The Scientific Library contains a complete set of A.P.C. published applications arranged numerically in bound volumes.

901.06(d) Abstracts of U.S. Applications

For a period of years, it was possible to have an abstract of an abandoned application published, containing a brief description of the subject matter and a figure of the drawing, if any. See 711.06 and 711.06(a).

Additional copies of abstracts may be obtained by a request directed to the Classification Group, identifying the desired abstract by serial number, and date of publication, and by giving the class and subclass in which the added copy is to be placed. The forms used in ordering copies of U.S. patents may be employed.

The Classification Group has a set of abstracts arranged by serial number for ready reference when only the serial number is known. (Basis: Notice of August 10, 1949.)

901.07 Arrangement of Art in Examining Divisions

In the examining divisions the U.S. patents are arranged in shoes bearing appropriate la-

bels, each showing the class, sub-class, and usually the lowest and highest numbered patents put in the respective shoe. The patents should be arranged in numerical order.

Some U.S. copies are marked "Cross Reference." These are patents which are classified in other classes or subclasses but which have disclosures pertinent to the subclasses in which they are placed as cross references. Cross reference copies may be filed in the shoes along with the copies of the original patents to simplify the tasks of searching and filing. Soft copies which no longer are of any value to the art in which they are located should be discarded.

Copies of foreign patents are usually kept in shoes separate from and immediately following the U.S. patents and are preferably arranged numerically without regard to country.

Non-patent publications or photocopies thereof containing disclosures for particular subclasses, if numerous, should be filed in shoes following the foreign patents, otherwise at the bottom of the last shoe of foreign patents.

901.08 Borrowing References

The search files in each examining division should at all times be complete. Where they are incomplete, the Examiners using such files and relying upon their completeness may miss valuable references. References removed from the files whether for use in the division or otherwise should, of course, be promptly returned.

The following is established as the uniform Office practice in borrowing references (domestic and foreign patents and publications):

a. References may be borrowed and charged for a maximum of two days. In all possible instances, the references should be returned in less than two days, preferably in a few hours. It is the responsibility of the chief of the borrowing division to see that all borrowed references are returned within the time indicated.

b. The file clerk of each division shall review the charges each morning, select all charges over two days old and collect the corresponding borrowed references. The file clerk shall report to his chief for appropriate action any failure to obtain overdue references and any instances where it is necessary repeatedly to collect overdue references.

c. In the case of domestic patents, when it appears that they will be needed for more than two days, particularly where future use is indicated, soft copies should be ordered, but the references may be borrowed for immediate use, if this will facilitate an action. The Patent Copy Sales Branch should give prompt service

on Examiner's orders for soft copies. (Basis: Notice of April 6, 1948.)

901.09 Missing Copies—Replacement

When the original copy of a reference is missing from the Examiner's files, a soft copy should be substituted at once and marked—"Keep until original is found." When it definitely appears that the original is lost, the Classification Group should be notified and requested to supply a mounted copy. When received, this is substituted for the soft copy. If the original copy is subsequently found, the substitute copy should be removed from the file and discarded.

902 Official Publications and Indices of U.S. Patents

902.01 Manual of Classification

The Manual of Classification is published in loose-leaf form, and supplementary sheets containing changes are issued from time to time to replace the original sheets.

All manual changes are effected by a series of Classification Orders each of which is currently published in the Official Gazette to the extent necessary to keep the manuals up to date. As these changes are published, each Examiner should enter them in his manual, so that his manual will at all times be complete and up-to-date. As supplementary sheets are issued, the old sheets should be removed, and the new sheets substituted therefor.

There are over 300 classes of utility inventions each having a title descriptive of its subject matter and being identified by one of a series of class numbers (some numbers of the series are blank and not presently assigned to any class). Each class is subdivided into a number of subclasses with each subclass bearing a title descriptive of its subject matter and being identified by a subclass number which in many instances will include decimal fractions. A complete identification of a subclass requires both the class and subclass numbers, the class number appearing first and the subclass number second, e.g., "103-161" identifies Class 103, Subclass 161.

The Manual of Classification has the following parts:

A Brief Statement on the Use of the Manual.

Classes Arranged by Related Subjects. Tabulation of classes, in which the classes are arranged in five major subject groups, with the classes listed under each group by relationship of subject matter. This tabulation is for the purpose of assisting the user in finding the main class pertinent to his search.

Classes Arranged by Examining Division.

Classes Listed Alphabetically by title.

Classes Listed Numerically with titles.

Subclass Schedules. Complete subclass schedules for each class, the utility classes appearing first in numerical sequence of class numbers, and then the design classes in numerical sequence of design class numbers. Design class alphabetical sequence by class names corresponds to numerical sequence. This is not true of the utility classes.

Alphabetical Index. Words and phrases (frequently called titles) identifying various characters of patentable subjects arranged in alphabetical order, with the citation of a class or both class and subclass in which subject matter identified by the title will be found.

902.02 Definitions

All of the utility classes (i.e., classes devoted to technology) except a few unrevised classes have definitions. None of the design classes has definitions.

Such definitions state the subject matter that is found in each defined class and subclass much more explicitly than it is possible to state in short class and subclass titles.

Each examining division has a set of definitions and there are several sets in the Public Search Room. Additional or replacement sheets incorporating all changes and additions are issued from time to time and should be promptly added to each set of definitions.

902.02(a) Search Notes

The definitions have search notes as a part thereof; namely, notes giving information as to where subject matter related to the class will be found (such notes appearing after the class definition), and also notes as to where subject matter pertinent to the subclass will be found (appearing after the subclass definition). These notes are intended to indicate both the relationship and the difference between the separately classified subjects.

Such search notes are not exhaustive and should be regarded as suggestive of additional fields of search, but not as limiting the search.

902.02(b) Search Cards

In one shoe of each defined subclass in both the examining division and the Public Search Room is a "Search Card" having the definition of the subclass and the search notes if any.

902.03 U.S. Patent Classification Indices

The following indices of U.S. patents are available and may be used to obtain classification data of U.S. patents:

902.03(a) Numerical

A numerical index of domestic patents giving their present original classification is in card files in the Public Search Room and in ledger books in the Service Branch of the Classification Group.

A numerically arranged punched card index of both original and officially cross-referenced domestic patents is on file in the Machine Tabulating Branch of the Administrative Services Division.

In each of the above, there is a separate index for each series, X, 1836, AI, Re, PP and D. For the present original classification, call Ext. 3822. For official cross references of a given patent, call Ext. 2352.

902.03(b) Blue Slips

The "blue" issue or classification slips (Form PO-270), starting with patent number 1,987,000, RE. 19,228, D 126,796, P.P. 1, and for all subsequently issued patents, and containing the original classification and cross-references ordered at time of issue are on file in the Service Branch, Classification Group.

902.03(c) Subclass Lists

Cards representing all U.S. patents, arranged by class and subclass, are available in punched card form in the Machine Tabulating Branch of the Administrative Services Division.

Tabulated lists for each subclass can be obtained, one list for originals and one list for cross-reference and published abstracts of U.S. applications.

902.03(d) Count

In the Service Branch, Classification Group, is maintained a subclass "count," giving the number of U.S. patents originally classified in each class and subclass, and a corresponding "count" for cross-referenced U.S. patents.

902.04 Classification Orders and Bulletins

Classification Orders are issued from time to time giving all changes in the classification that have been made officially, including every change to be made in the Manual of Classification or in the definition books.

Photolithographed copies are distributed to all examining divisions for immediate use.

Each order, except for those portions pertaining to the amendment of existing definitions, is subsequently printed in the Official Gazette.

These orders are from time to time collected