

Chapter 500 Receipt and Handling of Mail and Papers

- 501 Papers Received by Correspondence and Mail Branch
- 502 Depositing Papers
- 503 Serial Number and Filing Receipt
- 504 Register of Applications
- 505 "Office Date" Stamp or Receipt
- 506 Completeness of Original Application
 - 506.01 Return of Incomplete Application
- 507 Drafting Branch
- 508 Distribution
 - 508.01 Papers Sent to Wrong Group
 - 508.02 Papers Received After Patenting or Abandonment

501 Papers Received by Correspondence and Mail Branch [R-22]

The official mailing address for all communications sent to the Patent Office remains: Commissioner of Patents Washington, D.C. 20231

The physical location of the Office is 2021 Jefferson Davis Highway, Arlington, Virginia. This address should not be used on mail sent to the Patent Office.

All communications are received by the Incoming-Mail Section of the Correspondence and Mail Branch, which opens and distributes all official mail.

502 Depositing Papers [R-24]

Rule 5(a). *Identification of application, patent or registration.* (a) When a letter concerns an application for patent, it should state the name of the applicant, the title of the invention, the serial number of the application, the date of filing the same, and, if known, the group art unit and name of the examiner to which it has been assigned (see rule 55).

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

Amendments and other papers reach the Office by mail, or they may be deposited in the Correspondence and Mail Branch or in a box which is kept in the lobby of building 3 of the Patent Office for this purpose.

The Patent Office ZIP Code designation "20231" should be used when writing the Patent Office for any matter. In addition, the sender's own ZIP Code designation should be given.

HAND DELIVERY OF PAPERS

For purposes of convenience in those cases where the attorney and the Examiner agree that a proposed amendment discussed during a *personal* interview would place the application in condition for allowance, the amendment may be left with the Examiner to become an official paper in the file without routing through the mail room, provided no additional fees are required. Where the case is under final rejection, if changes in the proposed amendment are necessary and these changes are not practical to be made by Examiner's amendment, the attorney or his local representative will be permitted to hand deliver a corrected amendment to the Examiner, provided no additional fees are required and further that the amendment is submitted to the Examiner by the end of the next working day following the interview and within the period for response.

The Examiner who accepts these amendments must date, initial and write "entry approved" in the left-hand margin of the first page of the amendment.

Attorneys may also deliver requests for extension of time to the Examining Groups.

A duplicate copy of officially date-stamped papers may be hand delivered. See §§ 104, 710.02(e) and 713.01.

The Office often experiences difficulty in matching incoming papers with the application file to which they pertain. This applies especially to amendments, powers of attorney, changes of address, status letters, and requests for extension of time.

Frequently, there are errors in the serial number or in the Group Art Unit number, or the incoming paper uses the old Group Art Unit number where an application has been transferred and acted on by a different Examining Group.

It would be of great assistance to the Office if *all* incoming papers pertaining to a filed application carried the following items:

1. Serial number (checked for accuracy).
2. Group Art Unit number (copied from most recent Office Action).
3. Name of the Examiner who prepared the most recent Office Action.
4. Title of Invention.

It is further requested that at least 60 days be permitted to elapse before filing any additional papers relating to a newly filed application. If this is done, the original application papers may be completely processed and more easily located when the additional papers are received.

Rule 6. Receipt of letters and papers. (a) Letters and other papers received in the Patent Office are stamped with the date of receipt. No papers are received in the Patent Office on Saturdays, Sundays or holidays within the District of Columbia.

(b) Mail placed in the Patent Office pouch up to midnight on weekdays, excepting Saturdays and 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 lobby of building 3 of the Patent Office at Crystal Plaza, Arlington, Virginia and at the main entrance of the Department of Commerce building, Washington, D.C., on weekdays except Saturdays and holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

503 Serial Number and Filing Receipt [R-24]

Application Branch now assigns a Serial Number to each application when filed.

Therefore, if a self-addressed post card is transmitted with the application papers, it will be returned within one week from receipt, stamped with the Serial Number and the date received by the Patent Office. The submitted post card should adequately identify the documents as application papers and include the applicant's name and title of the invention.

It should be recognized that the identification of an application by Serial Number does not necessarily signify that the Patent Office has accepted the application as complete. After the application has been reviewed for statutory compliance and given an official filing date, the usual filing receipt will be mailed.

In the Application Branch each application which meets the formal requirements as to

completeness is given a filing date. It is important, when referring to application files, to identify them by their filing dates as well as by Serial Numbers.

The Application Branch mails a receipt to the attorney or agent, if any, otherwise to the applicant, for each application filed, giving the serial number, filing date, and Group to which assigned. The filing receipt may contain notations of apparent omissions. See § 506.

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

If a receipt of any paper filed in the Patent Office is desired, it may be obtained by enclosing with the paper a self-addressed post card identifying the paper. The Patent Office will stamp the receipt date on the card and place it in the outgoing mail.

The identifying data on the card should be so complete as to match the paper with the application or other document to which it is to be associated. For example, the document should be identified by the applicant's name(s), Serial Number, filing date, appeal number, interference number, etc., and the paper should be identified by specifying the type thereof, namely, affidavit, amendment, appeal, application papers, brief, drawings, fees, motions, supplemental oath or declaration, petition, etc.

When papers for more than one document are filed under a single cover a return addressed post card should be attached to the paper for *each* document for which a receipt is desired.

504 Register of Applications [R-22]

The Application Branch assigns the application to the Examining Group to which it appears to belong. 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 Group to which each application is sent is made part of this record.

505 "Office Date" Stamp of Receipt [R-24]

In whatever manner an application or any part thereof, or an amendment, letter, or other paper is transmitted, the date of its receipt is stamped thereon by the Correspondence and Mail Branch. The stamp is referred to as the "Office Date" stamp and, if the application is complete (See Rule 55), establishes the "filing date."

506 Completeness of Original Application [R-26]

If the application papers are too informal to be given a filing date, the case is held in the Application Branch as an *incomplete* application and the applicant, is informed of the shortcomings of the papers. No filing date is granted until the incompleteness is corrected.

Such informality may consist of the omission of any one of the component parts of an application. The component parts of an application are:

1. A declaration or oath, 35 U.S.C. 111.
2. A specification, 35 U.S.C. 112.
3. A claim, 35 U.S.C. 112.
4. A drawing, 35 U.S.C. 113.
5. Basic statutory filing fee of \$65.

An application is *informal* if it is typed on both sides of the paper, or is not permanent, legible or reproducible. If such informalities are timely corrected, the application is given the filing date on which the original informal papers were filed.

The Application Branch accords a filing date, as of the date of receipt in the Office, to application papers which include all of the necessary components of a complete application, but are informal for reasons other than those mentioned in the previous paragraph. In such applications, the Application Branch prepares a letter indicating the informality and places it in the file wrapper. When the application is received in the Group, the clerical staff mails the letter to applicant. Such letters give a two month period for response. Failure to correct the informality within the specified time results in abandonment of the application.

An application too informal to be admitted for examination may receive as its filing date, the date it was originally presented only under the conditions set forth in Rule 183, and only when a satisfactory showing is made that a proper application could not be submitted originally and that applicant will suffer irreparable damage if the filing date sought is not accorded.

506.01 Return of Incomplete Application [R-24]

If a request is made, the parts of an incomplete application are returned by the Application Branch. They may be used by applicant as part of a complete application if the missing parts are later supplied. See Rule 53.

507 Drafting Branch [R-24]

The drawing is sent to the Drafting Branch to be inspected for formal compliance with the

rules. If the drawing is satisfactory, it is stamped "approved". If the drawing contains defects which are not so serious as to warrant holding the application to be incomplete, the Draftsman checks the appropriate notation on the "Notice of Informal Patent Drawing" form PO-948.

If the drawings are so informal that they may not serve for examination purposes or for the purpose of receiving a filing date, the drawings are returned to the Application Branch, which writes the applicant that the application is incomplete and will not be given a filing date until a proper drawing is filed.

508 Distribution [R-22]

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 Group.

When a new or substitute drawing is received, a print is made and forwarded to the Group to be placed in the file as an official paper.

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 Group [R-22]

Drawings, amendments and other papers that are delivered to Groups to which they do not belong should be promptly returned to the Application Branch for re-routing. Papers may be forwarded to the correct destination, if known.

A terminal disclaimer should not be routed directly to an Examining Group. If such a paper (without the file) is received, it should be promptly forwarded *without the file* to the Issue and Gazette Branch. In some situations the Issue and Gazette Branch may be holding a terminal disclaimer. This may be checked by calling the Chief of the Issue and Gazette Branch by telephone.

508.02 Papers Received After Patenting or Abandonment

After an application is patented or abandoned, any incoming communication which is not to become part of the record is sent to the Correspondence and Mail Branch for handling with the status of the application indicated thereon.