The United States Patent and Trademark Office (USPTO) has discovered a programming error that has resulted in Notices of Allowance mailed on or after November 13, 2001 and before December 23, 2001 being printed with a zero (0) in the patent term adjustment field, regardless of whether the application is entitled to patent term adjustment or not. The USPTO's records for patent applications contained in the Patent Application Locating and Monitoring (PALM) system, however, now contain the correct patent term adjustment information (i.e., positive adjustments due to USPTO delay, reductions due to applicant delays, and net patent term adjustment) for the affected applications. Therefore, the correct patent term adjustment determination will be printed on the Issue Notification and on the patent.

Any applicant who received a Notice of Allowance mailed on or after November 13, 2001 and before December 23, 2001 and who considers the patent term adjustment amount printed on the Notice of Allowance to be in error is advised to check the USPTO's PALM records for the application prior to preparing and submitting a request for reconsideration under 37 CFR §1.705 of the patent term adjustment indicated on the Notice of Allowance. This is because such a request for reconsideration will not be necessary to have the correct patent term adjustment printed on the Issue Notification and on the patent if the USPTO's PALM records for the application contain the correct patent term adjustment.

Applicants can check the patent term adjustment information contained in the USPTO's records via the USPTO's Patent Application Information and Retrieval (PAIR) system. The PAIR system has two sides: (1) a public side that provides information to any member of the public concerning patents and published applications (i.e., applications not maintained in confidence under 35 U.S.C. §122(a)), which can be accessed via the USPTO's Internet Web site at http://pair.uspto.gov; and (2) a private side that provides information only to the applicant or the applicant's representative concerning applications maintained in confidence under 35 U.S.C. §122(a), which can be accessed via the USPTO's Internet Web site at http://pair_direct.uspto.gov. To access the private side of PAIR to check the patent term adjustment information contained in the USPTO's records for an application, the person must have a digital certificate and must have a customer number associated with the correspondence address for the application.

Information concerning the USPTO's PAIR system may be obtained by contacting the Patent Electronic Business Center help desk at (703) 305-3028 or via the USPTO's
Internet Web site at http://www.uspto.gov/ebc/index.html. Other questions concerning patent term adjustment may be directed to Kery Fries or Mark Polutta, Legal Advisors, Office of Patent Legal Administration, at (703) 305-1383.

December 31, 2001

STEPHEN G. KUNIN
Deputy Commissioner for Patent Examination Policy