United States Patent and Trademark Office
OG Notices: 17 September 2002

Expedited Issuance of Certificates of Correction
When the Error is Attributable to the
United States Patent and Trademark Office

In an effort to reduce the overall time required in processing and granting Certificate of Correction requests, the United States Patent and Trademark Office, effective immediately, will expedite processing and granting of patentees' requests where the request is accompanied by paperwork which substantiates that the error incurred is attributable solely to the United States Patent and Trademark Office (i.e., requests filed pursuant to 37 CFR 1.322).

The following requirements must be met for consideration of expedited issuance of Certificates of Correction:

As is currently practiced, patentees, or their attorneys or agents, will submit the text of the correction on a Certificate of Correction form, PTO/SB/44 (also referred to as PTO 1050). See MPEP ¶1485. Submission of this form in duplicate is not necessary. The location of the error in the printed patent should be identified on form PTO/SB/44 by column and line number or claim and line number, as directed in the Manual of Patent Examining Procedure (MPEP). See MPEP ¶1480. Other suggested elements of format are discussed in Section 1485 of the MPEP, entitled "Handling of Request for Certificate of Correction" and patentees are urged to comply with these recommendations. See MPEP ¶1485.

If such a request for correction was incurred through the fault of the United States Patent and Trademark Office (Office), and is clearly disclosed in the records of the Office, and is accompanied by documentation that unequivocally supports the patentee's assertion(s), a Certificate of Correction will be expeditiously issued. Such supporting documentation can consist of relevant photocopied receipts, manuscript pages, correspondence dated and received by the Office, photocopies of Examiners' responses regarding entry of amendments, or any other validation that supports the patentee's request so that the request can be processed without the patent file.

Where only part of a request can be approved, the appropriate modifications are made on the form PTO/SB/44 and the patentee is notified by mail. Further consideration can be given to initially rejected requests upon a request for reconsideration. In this instance, however, or in the case where it is determined that the Office was not responsible for the error(s) cited by the patentee, although the Office will make every effort to process the request expeditiously, accelerated issuance of Certificates of Correction cannot be anticipated.

Issuance of a Certificate of Correction by the Office continues to be discretionary. See 35 U.S.C. §§254, 255 ("Director may issue a certificate of correction . . ."). Patentees
are reminded that where errors are of a minor typographical nature or are readily apparent to one skilled in the art, a letter making the error(s) of record can be submitted in lieu of a request for a Certificate of Correction. See MPEP ¶1480 ("... the Office may decline to issue a certificate and merely place the correspondence in the patented file, where it serves to call attention to the matter in case any question as to it subsequently arises."). There is no fee for such a letter.

A request for a Certificate of Correction should be addressed to the attention of the Certificate of Correction Branch, Commissioner for Patents, Washington, DC 20231.

Questions concerning this notice should be directed to Janet Higgins, by telephone at (703) 308-6187, or by facsimile to (703) 305-4372, or via e-mail to janet.higgins@uspto.gov.

August 21, 2002

STEPHEN G. KUNIN  
Deputy Commissioner for  
Patent Examination Policy