Highlights


The more significant changes in the Strategic Plan final rule making are as follows:

§ 1.4 - S-signatures and EFS character coded signatures: S-signatures and EFS character coded signatures, signatures other than handwritten permanent ink signatures, such as electronic signatures, have been provided for in patent correspondence.

§ 1.6 - Drawings: Drawings may be facsimile filed at any time (after application has been filed).

§ 1.17 - Petition fees: Three tier petition fee structure of $130, $200 and $400 is established.

§ 1.19 - Document supply fees: Copies supplied in paper or electronic form.

§ 1.27 - Small entity relief: A security interest will not bar entitlement to small entity status, and foreign applicants do not have to meet certain SBA requirements to qualify as small entity.

§ 1.57 - Incorporation by reference (new rule): (1) A priority/benefit claim submitted on filing will act as a limited incorporation by reference for inadvertently omitted material. (2) For essential or nonessential material: specific language is required to trigger an incorporation by reference. (3) Definitions of “essential” and “non-essential” material are provided.

§§ 1.58, 1.83 - Table duplication: Tables and listings must not be in both specification and drawings.

§ 1.76 - Application Data Sheet - Supplemental application data sheets must supply all appropriate information (not just what is being changed) and identify the changes.

§ 1.78 - Benefit claims: Multiple sentences are now permitted for making benefit claims.

§ 1.84 - Drawings: Requirement for black and white copies of color drawings and photos eliminated.

§§ 1.91, 94 - Models, exhibits, and specimens: (1) Photos must be supplied with physical models and exhibits. (2) Perishables will be disposed of unless return is timely requested.

§ 1.98 - IDS: (1) Copies of U.S. patents and PG Pubs no longer required to be supplied with an IDS. (2) Required format items established for non-PTO IDS forms.

§ 1.102 - Advancement of examination: Counter terrorism no fee petition to make special established.

§ 1.105 - Requirements for information: Applicant may be required to supply technical/factual information concerning the related art, the disclosure, the claims, other factual information pertinent to patentability, or the accuracy of the examiner’s position of such items.

§ 1.111 - Supplemental replies: Like after final amendments, approval of examiner is needed for entry.

§ 1.115 - Preliminary amendments: If present on filing date, preliminary amendments are part of original disclosure. If they contain subject matter not otherwise present in the specification, they must be referred to in a § 1.63 oath/declaration.

§§ 1.175, 1.178, 1.179 - Reissue: A continuation reissue must identify an error not identified by the pending parent application. Eliminated requirements to: (a) physically surrender original “ribboned” letters patent, and (b) place notices in original patent file.

§ 1.215 - PG Pubs: Amendments to claims, abstract and drawings may be included in publications.

§ 1.291 - Protests: Additional protests by a party must explain why additional cited art is significantly different, and why they were not earlier presented.