

# Chapter 1100: Statutory Invention Registration (SIR); Pre-Grant Publication (PGPub) and Preissuance Submissions

- 1101 Request for Statutory Invention Registration (SIR)
- 1111 SIR Publication and Effect
- 1120 Eighteen-Month Publication of Patent Applications
  - I. IN GENERAL
  - II. EXCEPTIONS
  - III. APPLICATION MUST BE COMPLETE
  - IV. PROJECTED PUBLICATION DATE
- 1121 Content of a Patent Application Publication
  - I. AMENDMENTS
  - II. APPENDICES
  - III. AMENDED APPLICATION FILED VIA EFS
  - IV. APPLICANT INFORMATION
  - V. ASSIGNEE INFORMATION
- 1122 Requests for Nonpublication
  - I. REQUIREMENTS PRIOR TO FILING A NONPUBLICATION REQUEST
  - II. FILING A NONPUBLICATION REQUEST
  - III. INAPPROPRIATE NONPUBLICATION REQUEST
- 1123 Rescission of a Nonpublication Request
- 1124 Notice of Foreign Filing
- 1125 Express Abandonment to Avoid Publication
- 1126 Publication Fees
- 1127 Notice of Publication

- 1128 Availability of Published Applications
  - I. ELECTRONIC ACCESS
  - II. COPIES OF PUBLISHED APPLICATIONS
  - III. PHYSICAL ACCESS TO PUBLISHED APPLICATIONS
  - IV. STATUS INFORMATION
- 1129 Request for Early Publication
- 1130 Republication and Correction of Patent Application Publications
  - I. REQUEST FOR REPUBLICATION
  - II. REQUEST FOR CORRECTED PUBLICATION - MATERIAL MISTAKE MADE BY THE OFFICE
    - A. Material Mistake
    - B. Non-Material Mistake
- 1132 Requests for Redacted Publication
- 1133 Voluntary Publication
- 1134 Third Party Inquiries and Correspondence in a Published Application
- 1134.01 Third Party Submissions Under 37 CFR 1.290
  - I. TIMELINESS REQUIREMENT
    - A. Time Periods Are Statutory and Cannot Be Waived
    - B. A Third-Party Submission Is Filed On Its Date of Receipt in the Office
  - II. CONTENT REQUIREMENTS FOR A THIRD-PARTY SUBMISSION
    - A. Document List
      - 1. Form PTO/SB/429
      - 2. Listing Requirements
        - (a) U.S. Patents and U.S. Patent Application Publications
        - (b) Foreign Patents and Published Foreign Patent Applications
        - (c) Non-Patent Publications

- B. Concise description of relevance
  - 1. Format
  - 2. Content
  - 3. Not an invitation to participate in the prosecution of the application
- C. Copies
- D. Translations
- E. Statements
- F. Fee (if necessary)
  - 1. Fee exemption
  - 2. Fee is required for a resubmission after a finding of non-compliance
  - 3. Small entity discount
  - 4. Fee Examples

### III. "PRINTED PUBLICATIONS"

- A. Evidence of Publication
- B. Need Not Be Prior Art
- C. Cumulative Information/Information Already of Record
- D. Of "Potential Relevance to the Examination of the Application"

### IV. FILING A THIRD-PARTY SUBMISSION

- A. For Consideration and Inclusion in a "Patent Application"
  - 1. Applies to Abandoned and Unpublished Applications
  - 2. Cannot Be Filed In Provisional Applications or Post-Issuance Proceedings
- B. "Any Third Party"
- C. No Service on Applicant Required
- D. Certificate of Mailing/Transmission Does Not Apply
- E. Electronic Filing

F. Paper Filing

V. NO THIRD-PARTY PARTICIPATION

VI. TREATMENT OF A THIRD-PARTY SUBMISSION

A. Submissions Screened for Compliance Prior to Entry in an Application

1. Notification to Third Party of Non-Compliant Third-Party Submission
2. Notification to Applicant of Compliant Third-Party Submission
3. Applicant Need Not Reply To a Third-Party Submission

B. Examiner Consideration of Third-Party Submissions

1135 PGPub Forms