

Chapter 2300: Interferences

2301 Introduction

2301.01 Statutory Basis

2301.02 Definitions

2301.03 Interfering Subject Matter

2302 Consult an Interference Practice Specialist

2303 Completion of Examination

A. Non-Interfering Claims

B. Unpatentable Claims

C. Reissue Applications

2303.01 Issuance and Suspension

2303.02 Other Outstanding Issues with Patents

2304 Suggesting an Interference

2304.01 Preliminaries to Referring an Interference to the Board

2304.01(a) Interference Search

2304.01(b) Obtaining Control Over Involved Files

I. IN DIFFERENT TECHNOLOGY CENTERS

II. PAPERS NOT CONVERTED TO IMAGE FILE WRAPPER FILES

III. PATENT COOPERATION TREATY APPLICATION FILES

2304.01(c) Translation of Foreign Benefit Application

2304.01(d) Sorting Claims

2304.02 Applicant Suggestion

2304.02(a) Identifying the Other Application or Patent

2304.02(b) Counts and Corresponding Claims

2304.02(c) Explaining Priority

I. REJECTION UNDER 35 U.S.C. 102(a) or 102(e)

II. COMPLIANCE WITH 35 U.S.C. 135(b)

2304.02(d) Adequate Written Description

2304.03 Patentee Suggestion

2304.04 Examiner Suggestion

2304.04(a) Interfering Claim Already in Application

2304.04(b) Requiring a Claim

2304.05 Common Ownership

2305 Requiring a Priority Showing

I. RELATIONSHIP TO 37 CFR 1.131 AFFIDAVIT

II. NOT A PRIORITY STATEMENT

2306 Secrecy Order Cases

2307 Action During an Interference

2307.01 Ex Parte Communications

2307.02 Access to Related Files

2307.03 Suspension of Related Examinations

2307.04 Additional Parties to Interference

2307.05 Board Action on Related Files

2307.06 Action at the Board

2308 Action After an Interference

2308.01 Final Disposal of Claims

2308.02 Added or Amended Claims

2308.03 Estoppel Within the Office

2308.03(a) Losing Party

2308.03(b) No Interference-in-Fact

2308.03(c) No Second Interference

2309 National Aeronautics and Space Administration or Department of Energy