

# Chapter 400: Representative of Applicant or Owner

401 U.S. Patent and Trademark Office Cannot Aid in Selection of Patent Practitioner

402 Power of Attorney; Naming Representative

I. NAMING REPRESENTATIVE IN A POWER OF ATTORNEY

II. REGISTERED PRACTITIONERS

III. INEFFECTIVE POWER OF ATTORNEY

402.01 Limited Recognition in Patent Matters

402.02 Appointment of Power of Attorney

402.02(a) Appointment in Application Filed On or After September 16, 2012

I. General Requirements for Powers of Attorney

II. Powers of Attorney in Continuing Applications

III. Power of Attorney Forms for Applications filed on or after September 16, 2012

402.02(b) Appointment in Application Filed Before September 16, 2012

I. General Requirements for Powers of Attorney

II. Powers of Attorney in Continuing Applications

III. Power of Attorney Forms for Applications filed before September 16, 2012

402.03 Signature Requirements for Papers Filed in an Application

I. SIGNATURE AND CERTIFICATE

II. ACTING IN A REPRESENTATIVE CAPACITY

402.05 Revocation of Power of Attorney

402.05(a) Applicant Revocation - Application Filed On or After September 16, 2012

402.05(b) Applicant Revocation - Application Filed Before September 16, 2012

402.06 Attorney or Agent Withdraws

402.07 Assignee Revocation of Power of Attorney of Applicant and Appointment of New Power of Attorney

I. APPLICATION FILED ON OR AFTER SEPTEMBER 16, 2012

II. APPLICATION FILED BEFORE SEPTEMBER 16, 2012

402.08 Application in Interference or Derivation Proceeding

- 402.09 International Application
- 402.10 Appointment/Revocation by Less Than All Applicants or Owners
- 403 Correspondence — With Whom Held; Customer Number Practice
  - I. CUSTOMER NUMBER PRACTICE
  - II. PATENT APPLICATION FILED WITHOUT CORRESPONDENCE ADDRESS
- 403.01(a) Correspondence in Applications Filed On or After September 16, 2012
- 403.01(b) Correspondence in Applications Filed Before September 16, 2012
- 403.02 Two Patent Practitioners for Same Application
- 405 Interviews With Patent Practitioner Not of Record
- 406 Death of Patent Practitioner
- 407 Suspended or Excluded Patent Practitioner
- 408 Telephoning Patent Practitioner
- 409 Death, Legal Incapacity, or Unavailability of Inventor
  - 409.01(a) Deceased or Legally Incapacitated Inventor - Application Filed on or After September 16, 2012
  - 409.01(b) Deceased or Legally Incapacitated Inventor- Application Filed Before September 16, 2012
    - I. TERMINATION OF POWER OF ATTORNEY – Deceased Inventor
    - II. PROSECUTION BY LEGAL REPRESENTATIVE, ADMINISTRATOR OR EXECUTOR
    - III. PROOF OF AUTHORITY OF ADMINISTRATOR OR EXECUTOR
    - IV. AFTER ADMINISTRATOR OR EXECUTOR HAS BEEN DISCHARGED
    - V. EXCEPTION IN SOME FOREIGN COUNTRIES
    - VI. IF INVENTOR OF ASSIGNED APPLICATION DIES
    - VII. INTERVENTION OF EXECUTOR NOT COMPULSORY
  - 409.02 Unavailable Joint Inventor – Application Filed on or after September 16, 2012
  - 409.03 Unavailability of Inventor - Application Filed Before September 16, 2012
    - 409.03(a) At Least One Joint Inventor Available
    - 409.03(b) No Inventor Available
    - 409.03(c) Unavailable Legal Representative of Deceased Inventor

409.03(d) Proof of Unavailability or Refusal

I. INVENTOR CANNOT BE REACHED

II. REFUSAL TO JOIN

409.03(e) Statement of Last Known Address

409.03(f) Proof of Proprietary Interest

409.03(g) Proof of Irreparable Damage

409.03(h) Processing and Acceptance of a Pre-AIA 37 CFR 1.47 Application

409.03(i) Rights of the Nonsigning Inventor

409.03(j) Action Following Acceptance of a Pre-AIA 37 CFR 1.47 Application

409.05 Application For Patent by an Assignee, Obligated Assignee, or a Person Who Otherwise Shows Sufficient Proprietary Interest – Application Filed On or After September 16, 2012

I. ASSIGNEE OR OBLIGATED ASSIGNEE

II. SUFFICIENT PROPRIETARY INTEREST

410 Representations to the U.S. Patent and Trademark Office