

# Chapter 500: Receipt and Handling of Mail and Papers

## 501 Filing Papers With the U.S. Patent and Trademark Office

### I. GENERAL MAILING ADDRESSES

- A. For Patent Applications and Patent-Related Papers
- B. For Trademark Applications and Trademark-Related Papers
- C. For Other Correspondence

### II. SEPARATE MAILING ADDRESSES FOR CERTAIN CORRESPONDENCE

### III. HAND-DELIVERY OF PAPERS

## 502 Depositing Correspondence

### I. "PRIORITY MAIL EXPRESS" (FORMERLY "EXPRESS MAIL") SERVICE

### II. POST ALLOWANCE CORRESPONDENCE

### III. HAND-DELIVERY OF PAPERS

## 502.01 Correspondence Transmitted by Facsimile

### I. CENTRALIZED FACSIMILE NUMBER FOR OFFICIAL PATENT APPLICATION RELATED CORRESPONDENCE

- A. Central Number
- B. Correspondence Which May Be Sent by Facsimile to Other Than the Central Facsimile Number

### II. CORRESPONDENCE RELATIVE TO PATENTS AND PATENT APPLICATIONS WHERE FILING BY FACSIMILE TRANSMISSION IS NOT PERMITTED

## 502.02 Correspondence Signature Requirements

### I. HANDWRITTEN SIGNATURE

### II. S-SIGNATURE

### III. CERTIFICATIONS

### IV. RATIFICATION, CONFIRMATION, OR EVIDENCE OF AUTHENTICITY

### V. CERTIFICATION OF DOCUMENTS PROVIDED FOR BY STATUTE

502.03 Communications via Internet Electronic Mail (e-mail)

I. CONFIDENTIALITY OF PROPRIETARY INFORMATION (ARTICLE 4)

II. COMMUNICATIONS VIA THE INTERNET AND AUTHORIZATION (ARTICLE 5)

III. AUTHENTICATION OF SENDER BY A PATENT ORGANIZATION RECIPIENT (ARTICLE 6)

IV. USE OF ELECTRONIC MAIL SERVICES (ARTICLE 7)

V. INTERVIEWS (ARTICLE 8)

VI. POLICY GUIDANCE AND CLARIFICATIONS (ARTICLE 13)

502.04 Duplicate Copies of Correspondence

502.05 Correspondence Transmitted by EFS-Web

I. LEGAL FRAMEWORK FOR EFS-WEB

A. General Information on EFS-Web

B. Legal and Document Policies

1. Types of Patent Applications and Documents Permitted to be Filed via EFS-Web

a. Filings Permitted by Registered and Non-registered Users

b. Filing of Follow-on Documents

2. Types of Patent Applications and Documents Not Permitted to be Filed via EFS-Web

3. Papers That May Be Filed and Processed Electronically

4. The Official Record of Documents Submitted via EFS-Web

5. How is internally inconsistent information submitted via EFS-Web treated?

6. Application Size Fee for Applications Submitted via EFS-Web

7. Fee Payments Submitted via EFS-Web

C. Electronic Acknowledgement Receipt and Date Of Receipt

1. The Date of Receipt of a Follow-on Document Submitted via EFS-Web

2. The Date of Receipt of an Application Submitted via EFS-Web

- 3. EFS-Web Availability
- 4. EFS-Web Contingency Option
  - a. Proper Submissions Under EFS-Web Contingency Option
  - b. Improperly Filed Follow-on Documents
  - c. Additional Information Regarding National Stage Submissions
- 5. Document Inadvertently Omitted from Application
- 6. Legal Consequences of the USPTO's Accepting Electronic Patent Applications on Saturday and Sunday
- D. Proper usage of EFS-Web
  - 1. Filing Documents as PDF Files via EFS-Web
  - 2. Entering Information on EFS-Web Screens
    - a. Follow-on Documents
    - b. Filing a New Application
    - c. Document Indexing
  - 3. Refunds
- E. Security and Authentication
  - 1. PKI Subscriber Agreement
  - 2. Authorized Assistants of the Digital Certificate Holder
- F. Signature Policy
- G. Submission of Pre-Grant (Eighteen-Month) Publication Requests Via EFS-Web
- H. Submission of Supplemental Examination Requests via EFS-Web
- I. Filing of Third-party Preissuance Submissions and Citation of Prior Art and Written Statements in Patent Files Filed via EFS-Web
- J. Submission of Interim Copies of Foreign Priority Documents via EFS-Web
- K. Submission of Photographs and Drawings via EFS-Web
  - 1. Types of Photographs and Drawings Permitted to be Filed via EFS-Web

2. Document Description for Photograph and Drawings
3. Additional Requirements

L. Text Files and File Limits

1. Biotechnology Sequence Listings, Large Tables, or Computer Program Listing Appendices Submitted as Text Files via EFS-Web
2. Application Size Fee
3. Size Limit for Text Files
4. Limit on the Number of Electronic files in a Single EFS-Web Submission
5. Complex Work Units

M. New PCT International Applications, New National Stage Submissions, and Associated Documents

1. New PCT International Applications Filed under the PCT with the United States Receiving Office
  - a. The Request
  - b. Other Documents
2. Specific Requirements for Drawings or Photographs
  - a. PCT International Application
  - b. National Stage Submission:
3. Specific Requirements Pertaining to New National Stage Submissions, Including the Payment of Filing Fee
  - a. Online Payment Option
  - b. Alternative Payment Methods
4. New National Stage Submissions to Enter the U.S. National Stage Under 35 U.S.C. 371
  - a. Validation by PALM
  - b. Transmittal Letter
  - c. Application Data Sheet
  - d. Initial Processing

5. Specific Requirements for Nucleotide or Amino Acid Sequence Listings in PCT International Applications
  - a. Sequence Listing
  - b. File Size and Quantity Limits
  - c. Fee Determination for PCT International Applications Containing a Sequence Listing
6. Limitations concerning computer program listings and tables related to a sequence listing in PCT international applications
  - a. Computer Program Listings
  - b. Tables Related to a Sequence Listing
7. Follow-on Submissions for PCT International Applications
8. Policy of Annex F of the PCT Administrative Instructions (AI Annex F)

N. International Design Applications and Associated Documents

1. New international design applications filed through the USPTO as an office of indirect filing
  - a. Official form (Form DM/1):
  - b. Reproductions:
  - c. Annexes:
2. International design application fees required by or payable through the USPTO as an office of indirect filing
  - a. Transmittal fee:
  - b. International fees payable to WIPO
3. Follow-on submissions in international design applications

II. Additional Information

503 Application Number and Filing Receipt

I. APPLICATION NUMBER

II. FILING RECEIPTS

III. RETURN POSTCARD

- 504 Assignment of Application for Examination
- 505 Date of Receipt Stamp
- 506 Completeness of Original Application
  - I. INCOMPLETE NONPROVISIONAL APPLICATIONS FILED UNDER 37 CFR 1.53(b)
  - II. INCOMPLETE PROVISIONAL APPLICATIONS
  - III. INFORMAL APPLICATIONS
- 506.02 Review of Refusal To Accord Filing Date
- 507 Drawing Review in the Office of Patent Application Processing
- 508 Distribution
- 508.02 Papers Received After Patenting or Abandonment
- 508.04 Unlocatable Patent or Application Files
- 509 Payment of Fees
  - I. ITEMIZATION AND APPLICATION OF FEES
  - II. PAYMENT BY CREDIT CARD
- 509.01 Deposit Accounts
  - I. DEPOSIT ACCOUNT AUTHORIZATIONS
  - II. DEPOSIT ACCOUNT REPLENISHMENTS
  - III. REFUNDS TO A DEPOSIT ACCOUNT
- 509.02 Small Entity Status — Definitions
  - I. PERSON
  - II. SMALL BUSINESS CONCERN
  - III. NONPROFIT ORGANIZATIONS
  - IV. LOCATION OF SMALL ENTITY
  - V. RIGHTS IN THE INVENTION AND TRANSFER OF RIGHTS
  - VI. RIGHTS HELD BY GOVERNMENT ORGANIZATIONS

### 509.03 Claiming Small Entity Status

#### I. ASSERTION BY WRITING

#### II. PARTIES WHO CAN ASSERT AND SIGN AN ENTITLEMENT TO SMALL ENTITY STATUS BY WRITING

A. Applications Filed On or After September 16, 2012

B. Applications Filed Before September 16, 2012

#### III. PARTIES WHO CAN FILE THE WRITTEN ASSERTION ONCE SIGNED

#### IV. ASSERTION BY PAYMENT OF SMALL ENTITY BASIC FILING OR BASIC NATIONAL FEE

#### V. PARTIES WHO CAN ASSERT AND FILE SMALL ENTITY STATUS BY PAYMENT

#### VI. CONTINUED OBLIGATIONS FOR THOROUGH INVESTIGATION OF SMALL ENTITY STATUS

#### VII. REMOVAL OF STATUS

#### VIII. IMPROPERLY ESTABLISHING SMALL ENTITY STATUS

#### IX. REFUNDS BASED ON LATER ESTABLISHMENT OF SMALL ENTITY STATUS

#### X. CORRECTING ERRORS IN SMALL ENTITY STATUS

### 509.04 Micro Entity Status — Definitions

#### I. REQUIREMENT FOR A CERTIFICATION

#### II. BASES FOR ESTABLISHING MICRO ENTITY STATUS

#### 509.04(a) Gross Income Basis for Micro Entity Status

##### I. SECTION 1.29(a) – Gross Income Basis Requirements

A. SMALL ENTITY REQUIREMENT

B. APPLICATION FILING LIMIT

C. GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS

D. GROSS INCOME LIMIT ON PARTIES WITH AN “OWNERSHIP INTEREST”

##### II. SECTION 1.29(b) – Previously Filed Patent Application Exclusion

##### III. SECTION 1.29(c) – Gross Income Determined by Currency Exchange Rate

509.04(b) Institution of Higher Education Basis for Micro Entity Status

I. REQUIREMENTS

A. Small Entity Requirement

B. Section 1.29(d)(2) Requirement

II. Meaning of “Institution of Higher Education”

A. Universities and Colleges that Do Not Qualify as Institutions of Higher Education

B. The University Cannot be the Micro Entity Applicant

C. CERTIFICATION FORM – INSTITUTION OF HIGHER EDUCATION BASIS

509.04(c) Parties Who Can Sign the Micro Entity Certification

509.04(d) Continued Obligation to Determine Micro Entity Qualification

509.04(e) Notification of Loss of Entitlement to Micro Entity Status

509.04(f) Correcting Errors in Micro Entity Status

510 U.S. Patent and Trademark Office Business Hours

I. FILING OF PAPERS DURING UNSCHEDULED CLOSINGS OF THE U.S. PATENT AND TRADEMARK OFFICE

II. CONDUCT IN PUBLIC INFORMATION FACILITIES

III. USE OF TECHNOLOGY CENTER FACILITIES

511 Postal Service Interruptions and Emergencies

I. “EXPRESS MAIL” RENAMED “PRIORITY MAIL EXPRESS”

II. PETITION DUE TO A POSTAL SERVICE INTERRUPTION OR EMERGENCY

III. ALTERNATIVES TO FILING CORRESPONDENCE VIA PRIORITY MAIL EXPRESS (FORMERLY “EXPRESS MAIL”)

512 Certificate of Mailing or Transmission

I. PROCEDURE BY APPLICANT

II. USE OF STAMPED CERTIFICATION

III. OFFICE PROCEDURE

A. Mail Center of the Office of Patent Application Processing

B. Processing Areas

IV. ORIGINAL MAILED PAPER NOT DELIVERED

513 Deposit as Priority Mail Express with U.S. Postal Service

I. EFFECTIVE DATE, WEEKENDS & HOLIDAYS

II. DATE-IN, DIRECT DEPOSIT, "EXPRESS MAIL" BOX RECEPTACLES & LOG BOOKS

III. "EXPRESS MAIL" MAILING LABEL NUMBER

IV. PETITIONS

V. PETITION TO CORRECT FILING DATE AND DATE-IN DISCREPANCY

VI. PETITION TO CORRECT INCORRECTLY ENTERED DATE-IN

VII. PETITION FOR CORRESPONDENCE NEVER RECEIVED

VIII. ADDITIONAL EVIDENCE MAY BE REQUIRED

IX. PETITION FOR CORRESPONDENCE RETURNED DUE TO POSTAL INTERRUPTION OR EMERGENCY

X. PETITION FOR CORRESPONDENCE REFUSED DUE TO POSTAL INTERRUPTION OR EMERGENCY

XI. PETITION FOR CORRESPONDENCE UNABLE TO BE DEPOSITED DUE TO A DIRECTOR-DESIGNATED POSTAL INTERRUPTION OR EMERGENCY