Ex parte reexamination Supplemental Covered Bus. Methods Post Grant Review Reissue Inter Partes Review (MPEP 2800) Examination 35 USC 321-329 AIA § 18 uncodified (MPEP 1400) 35 USC 311-319 · Who: anyone can request, (MPEP 2800) _(37 CFR 42) · Who: patent owner (37 CFR 42) (37 CFR 42) only owner participates Who: patent owner Who: by 3rd party · Who: sued for Standard: admit error Who: by 3rd party What: patents and printed What: any patentability What: patents + printed What: any but best mode infringement Broaden: can submit When: pat enforceable publications (102, 103); When: within 9 months What: see PGR claims within 2 yr of publications (102, 103) exception if raised from suppl. Fee: also pay for reexam from issue When: after PGR patent grant by all • When: pre-AIA issue Standard: substantial new Outcomes: estoppel (no Standard: see PGR **Standard**: more likely than not inventor(s) date or later; AIA 9 mo. question of patentability SNQ), reexam (SNQ) after issue Fee: required for filing date; Standard: reasonable mostly refunded if no SNQ likelihood issued Certificate of Correction (MPEP 1400) Miscellaneous Basis (minor): name typo, name change Citation of Prior Correct inventorship via Certificate of Basis (major): honest mistake of Art (MPEP 2200) Correction or reissue Disclaimer inventorship, failed to perfect claim for Derivation Who: anyone Record written assignments / licenses (MPEP 1400) priority which WAS listed in parent (MPEP 2310) What: patents, Interference proceeding (w/ pre-AIA) For: honest • Fee: 0 if mistake by PTO Who: at least one pending applicant printed publications, Inter partes reexam (discontinued) mistake of + someone who allegedly derived statements made by 9/16/12) invalid claim(s) Standard: substantial evidence that owner in court claimed invention was derived **Fee**: 0 - communication, and - filed without authorization When: w/in 1 yr of first publication Right of Public to Fee: needed for filing date Appeal (MPEP 1200) Inspect (MPEP 103) · When: after second action or Limited time Final Rejection Petition for access: by Brief: "special circumstances" File a continuation or 1. Real party in interest like business interference 2. Related appeals, interferences divisional application Request for access: by (2) Power to Inspect 3. Summary of each claim or (3) of Info. on Status box (MPEP 104) 4. Arguments to each rejection Amendment after No limit on time 5. Appendix of appealed claims Final Rejection · Who may grant access: Outcomes: allow, request (MPEP 714.13) Information on - Inventor rehearing, appeal to CAFC / **Final** Places in condition Status (MPEP 102) - Applicant District Court, reopen for allowance Rejection (1) When access can be pending - Assignee prosecution if new ground Does not present obtained, e.g., yours, published; - Practitioner of record new issues for (2) incorporated by reference; - Practitioner named consideration/search (3) used as priority claim; (4) Any PCT application in U.S. Request for Continued Examination (MPEP 706.07(h)) national stage Third Party Preissuance • Request + \$ + submission Submission (MPEP 1100) · Submission can be Who: by 3rd parties - IDS What: patents + printed publications Protest (MPEP 1900) - amendment When: later (6 mo. after publication or Who: by 3rd parties w/o duty to disclose - new arguments first Office action) or before What: any patentability - new evidence Notice of Allowance if earlier When: before earliest of publication or · Plants also eligible Fee: only after 1st submission or if final rejection or allowance • Not for designs, use CPA 1.53(d)

presenting more than 3 references

Fee: only after 1st file

Victoria T. Lim 15 Feb 2020

Affects patent term (PTA)