

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee
Quarterly Meeting

**e-Petitions, e-Terminal Disclaimers,
Web-based ADS**

Charles Kim
Director, Office of Petitions

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UNITED STATES
PATENT AND TRADEMARK OFFICE





ePetitions

GET IMMEDIATE DECISIONS

Overview

An ePetition is filed and immediately processed online through EFS-Web if all filing requirements are met. The USPTO offers 12 web-based ePetitions and two PDF-based ePetitions.

ePetitions Benefits



Save Time

Faster Petition Processing

Filing an ePetition allows petitioners to directly input the requisite filing information into a secure Web interface and immediately receive an ePetition grant. Petitioners save time by avoiding delays associated with manually-processed petitions.

Auto-Granting

Immediate Petition Grant upon Submission

Submitted ePetitions are auto-processed and immediately granted upon submission if all requirements are met. The auto-granting of submitted ePetitions is advantageous for time sensitive petitions.

Instant Feedback

Instant Feedback on Requirements

Feedback is immediately provided throughout the ePetition filing process to assist petitioners in meeting all filing requirements necessary for compliance with petition rules and to assure that fees will not be collected by the Office until the petition is acceptable for submission and grant.

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ePetitions Types



Web-based ePetitions (Filled out completely online through screens in EFS-Web)

- Petition to Make Special Based on Age (37 CFR 1.102)
- Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36)
- Petitions to Withdraw from Issue after Payment of the Issue Fee
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2))
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3))
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2) with Assigned Patent Number)
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3) with Assigned Patent Number)
- Petitions for Revival
 - Petition to Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))

- Petition for Revival of an Application based on Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))
- Petition for Revival of an Application for Continuity Purposes Only (37 CFR 1.137(a))
- Petition for Revival of an Abandoned Patent Application Abandoned Unintentionally(37 CFR 1.137(a)) (For Cases Abandoned After 1st Action and Prior to Notice of Allowance)
- Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))
- Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(b))



PDF-Fillable Form ePetitions (Completed and attached in EFS-Web)

- Petition to Make Special Based on Age (37 CFR 1.102)
- Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(b))



Data Visualization Center

Your window to the USPTO
Patents Dashboard

June 2017 Patents Data, at a Glance

In response to public comment, we have redesigned the Patents Data Visualization Center. We hope you find the Dashboard useful. If you have any questions, comments, or feedback, please [click here](#) to send an e-mail to the Dashboard administrator.



The Patent Composite was discontinued at the end of Fiscal Year 2015 and new quality metrics are currently being baselined. For additional information regarding the Enhanced Patent Quality Initiative, please [click here](#).



[Pendency Data](#)

[Quality Data](#)

[Design Data](#)

[After Final Response Data](#)

[Production, Backlog, and Filing Data](#)

[Central Reexamination Unit Data](#)

[Amendment Turnaround Data](#)

[Patent Term Adjustment Data](#)

[Special Program Data](#)

[Petition Data](#)



E-Petitions and Non-E-Petitions Data



Petition Type	Total E-Petitions Decided/Filed in Past 12 Months	Average Days Pending of E-Petitions	Grant Rate Percent of Total E-Petitions Decided in the Past 12 Months	Total Non-E-Petitions Decided in the Past 12 Months	Average Days Pending of Non-E-Petitions Decided in the Past 12 Months	Grant Rate Percent of Total Non-E-Petitions Decided in the Past 12 Months
To Make Application Special on Grounds of Age or Health	1,665	0	100%	1,427	69	93%
Revival based on Unintentional delay in abandoned application	1068	0	100%	5,981	166	78%
Revive Abandoned Application for Failure to Notify the USPTO of Foreign Filing	109	0	100%	61	165	77%
Revive a Patent Application for Continuity Purposes Only When Abandoned Unintentionally	91	0	100%	81	128	94%
Withdrawal of Attorney From Application	1,711	0	100%	1910	172	32%
Withdraw Application From Issue After Issue Fee is Paid	2,262	0	100%	194	6	84%
Revive Patent Application for Unintentional Late Payment of the Issue Fee	642	0	100%	2025	149	75%
Withdraw From Issue Patent Application With Patent Number Assigned	2,974	0	100%	258	3	90%
Withdraw Patent Application From Issue to Expressly Abandon	17	0	100%	15	26	67%
Issue Patent in the Name of Assignee After the Issue Fee is Paid	163	0	100%	519	194	85%
To Accept Unintentional Delayed Payment of the Maintenance Fee	1,587	0	100%	861	183	74%



[For additional information on the above petitions, please click here.](#)

[To view the Petitions Timeline, please click here.](#)





Patents Petitions Timeline

The **Patents Petitions Timeline** provides applicants access to petitions that can be submitted during each stage of patent prosecution process and information related to each specific petition and deciding office. Also, the timeline provides information on both the historical grant rates and the pendency of decided petitions.

1 PRIOR TO EXAMINATION

2 DURING EXAMINATION

3 AFTER CLOSE OF PROSECUTION

4 ALLOWANCE/AFTER PAYMENT OF ISSUE FEE

5 POST ISSUANCE

PRIOR TO EXAMINATION

- [Abandonment Related](#)
- [Access](#)
- [Advancement of Examination](#)
- [Application Publications](#)
- [Assignee Related](#)
- [Conversion of Applications](#)
- [Correction of Inventorship](#)
- [Entity Status](#)
- [Expunging Papers](#)
- [Extensions of Time](#)
- [Filing Date Related](#)
- [Foreign Priority or Domestic Benefit Related](#)
- [General and Misc](#)
- [Public Use Related](#)
- [Retroactive Foreign Filing Licenses](#)
- [Specifically Related To International Applications](#)
- [Suspension or Waiver of Rules \(not provided for in any Statute\)](#)
- [Withdrawal of Attorney Related](#)

DURING EXAMINATION

- [Abandonment Related](#)
- [Access](#)
- [Advancement of Examination](#)
- [Application Publications](#)
- [Assignee Related](#)
- [Conversion of Applications](#)
- [Correction of Inventorship](#)
- [Entity Status](#)
- [Expunging Papers](#)
- [Extensions of Time](#)
- [Filing Date Related](#)
- [Foreign Priority or Domestic Benefit Related](#)
- [General and Misc](#)
- [Public Use Related](#)
- [Retroactive Foreign Filing Licenses](#)
- [Suspension or Waiver of Rules \(not provided for in any Statute\)](#)
- [Withdrawal of Attorney Related](#)

Abandonment Related Petitions

IPLA – International Patent Legal Administration

ODM – Office of Data Management

OPET – Office of Petitions

TC – Technology Center

Generally Available

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office	ePetition Option
502 - To Revive an Abandoned Application-Unintentional Delay (37 CFR 1.137(a))	147	82%	OPET	GET IMMEDIATE DECISIONS
510 - To Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))	115	81%	OPET	GET IMMEDIATE DECISIONS
525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Failure to receive an Office Action 525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Reply Timely Filed	211	49%	OPET	
536 - Under 37 CFR 1.137(f)	76	90%	OPET	GET IMMEDIATE DECISIONS
561 - Revive Abandoned Application, Continuity Purposes Only	72	98%	OPET	GET IMMEDIATE DECISIONS



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[EFS-Web Announcements](#)

[FAQS](#)

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[eTerminal Disclaimer](#)

ePetition Resource Page

The ePetitions Resource Page provides useful information and guidance regarding the submission, automatic processing, and immediate grant of ePetitions.



- **Secure Filing with Auto-Grant.** Filing an ePetition via EFS-Web automates the petition process and allows petitioners to directly input the requisite information into a secure Web interface and immediately receive an ePetition decision.
- **Saves Time when Immediate Petition Decisions are Important.** Time savings using ePetitions is especially advantageous for critical petitions where an automatic petition grant would reduce delays in restoration of patent rights, expedite withdrawal from representation and redirect Office correspondence to the new correspondence address, and initiate the revival of an abandoned application to save patent term adjustment time.
- **Increased accuracy** by providing immediate feedback to petitioners on the necessary filing requirements.
- **Current statistics** regarding the pendency and grant rate comparisons between filing an ePetition and non-ePetition are available on our [Dashboard](#).

For questions regarding Patent e-Filing, or to suggest improvements to the online system, please send an email to ebc@uspto.gov or call the Patent Electronic Business Center at **1-866-217-9197** (toll free) or **571-272-4100** from 6 a.m. to 12 Midnight Eastern Time, Monday - Friday.

ePetitions Computer Based Training (CBT)

The CBT provides an overview of ePetitions and includes a step-by-step demonstration that illustrates how quick and easy it is to submit the Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36) via ePetition.



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eTerminal Disclaimer

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*Get immediate
decisions on your
eTerminal Disclaimers*



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eTerminal Disclaimer (eTD)

Benefits:

- Easy to file and cost effective
- Instant feedback ensures all filing requirements are met
- Immediate approval upon submission

eTerminal Disclaimer (eTD)

Basic Guidelines for Filing an eTD:

- Available only for registered EFS-Web filer
- Available for non-provisional utility (including national stage and reissue) and design applications (including reissue)
 - Not available for plant applications, reexaminations, and TDs based on joint research agreement

eTerminal Disclaimer (eTD)

Tips for Filing an eTD:

- Important to verify that:
 1. the applicant of record is identified in the eTD
 2. the party or parties identified as the applicant own 100% of the entire interest
 3. the reference application(s) or patent(s) are correctly identified
- Filing an eTD does not obviate need to respond under 37 CFR 1.111
- If filed after payment of issue fee but before the patent grant date, a request for Certificate of Correction must be filed



Filing online

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[eTerminal Disclaimer](#)

eTerminal Disclaimer

The United States Patent and Trademark Office is pleased to announce the release of eTerminal Disclaimer in EFS-Web. The new eTerminal Disclaimer provides applicants with many advantages and promotes greater efficiency in the patent examination process. This web-based eTerminal Disclaimer can be filled out completely online through web-screens and no EFS-Web fillable forms are required. eTerminal Disclaimers are auto-processed and approved immediately upon submission if the request meets all of the requirements.

Fees must be paid immediately which will then provide users more financial flexibility. A paper terminal disclaimer filing requires a fee but does not guarantee a terminal disclaimer approval. Each eTerminal Disclaimer filed requires a single terminal disclaimer fee, but can include up to 50 "reference applications" and 50 "prior patents."

Basic Guidelines for Filing eTerminal Disclaimers:

- Must be able to access EFS-Web registered.
- Registered eFiler users are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative paper filing when transmission cannot be initiated or correctly completed.
- The ability to submit an eTerminal Disclaimer under EFS-Web Contingency is not permitted.
- Consult the current fee schedule available at <http://www.uspto.gov/about/offices/cfo/finance/fees.jsp> for the correct fee amount. The fee required to be paid upon filing a request for eTerminal Disclaimer is: Statutory disclaimer, including terminal disclaimer.
- In accordance with MPEP 1490 V and [37 CFR 1.321](#), Terminal Disclaimers (including eTerminal Disclaimers) will only be considered in compliance with the requirements when filed into a PENDING Nonprovisional Utility application (including national stage and reissue) or PENDING Design application (including reissue). If an eTerminal Disclaimer is filed after payment of the issue fee but before the patent grant date, a request for Certificate of Correction must be filed requesting that the face of the patent be amended to state --This patent is subject to a terminal disclaimer.
- Requests for terminal disclaimers for plant applications, reexaminations and terminal disclaimers based on a joint research agreement must be filed by paper.

For assistance with filing an eTerminal Disclaimer, or to suggest improvements, please call the Patent Electronic Business Center at 866-217-9197 (toll free) or send an email to EBC@uspto.gov.

Additional Information:

[Quick Start Guide](#)



Web-based ADS

Benefits:

- Saves time by providing option to pre-populate application information based on a previously filed application
- Reduces the chances of improperly completing the ADS (e.g., inadvertently completing filing by reference section, or not properly making benefit/priority claims)

Web-based ADS

Basic guidelines for filing web-based ADS:

- Available for both registered and unregistered eFilers
- Available for new utility and design applications
 - Not available for PCT, Supplemental Examination submissions, or as follow-on submission
- All required fields must be completed
- Must be properly signed – see 37 CFR 1.33(b)

Web-based ADS

Tips for filing web-based ADS:

- When using the pre-population feature, the benefit claims will be imported in the order that the benefit claims were presented in the parent application
 - Only need to designate the “relation” for the first link of each chain
- Timely verify that the information in the filing receipt is correct
- If any information you provided on the ADS was not accurately captured by the USPTO, file a request for a corrected filing receipt

Corrected Web-based ADS

Benefits:

- Shows the application data currently in the system and the changes being made
- Automatically reflects any changes made to the ADS with proper markings (e.g., underline, strikethrough)

Corrected Web-based ADS

Basic guidelines for filing corrected web-based ADS:

- Available for only registered eFilers
- Available for existing utility non-provisional, reissue, and design applications filed on or after September 16, 2012
 - Not available for PCT, 371, Hague, Provisional, Reexam, Plant and Supplemental Examination submissions
- All required fields must be completed
- Must be properly signed – see 37 CFR 1.33(b)

Corrected Web-based ADS

Tips for filing corrected web-based ADS:

- Be sure to indicate the correct relationship and order of the domestic benefit applications listed on the ADS
- Do not delete information that you are not changing or do not want deleted
- For Domestic Benefit/National Stage information, verify that the application numbers and filing dates are correct

Web-based ADS/Corrected Web-based ADS Resources

- Quick Start Guide for Web-based Application Data Sheet (Web ADS)

www.uspto.gov/sites/default/files/documents/Quick%20Start%20Guide%20WebADS.pdf

- Quick Start Guide for Corrected Web-based Application Data Sheet (Corrected Web ADS)

www.uspto.gov/sites/default/files/documents/Corrected-WebADS-QSG.pdf

Questions and Comments

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