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1.

## INTRODUCTION

### 1-1. Scope and Authority of Manual

The purpose of this manual is three-fold; first, to serve as an adequate text for new examiners to study; second, to serve as a standard reference work for the examining corps; and third, to promote uniformity of practice among all the divisions of the Office.

**THE MANUAL SETS FORTH PRACTICE BINDING UPON THE EXAMINER. IN THE FUTURE, INSTEAD OF ISSUING ORDERS AND NOTICES, REVISIONS OR ADDITIONS TO THIS MANUAL WILL BE ISSUED.**

### 1-2. Constitutional Basis

The Constitution of the United States provides that "The Congress shall have power ---- to promote the progress of science and useful arts, by securing for limited times to ---- inventors the exclusive right to their ---- discoveries." (Art. I, sec. 8.)

### 1-3. Statutes

Pursuant to the foregoing provision of the Constitution, Congress has passed a number of statutes under which the Patent Office is organized and our patent system is established. The principal laws relating to patents and the Patent Office are compiled in a Patent Office pamphlet entitled "Patent Laws."

### 1-4. Rules of Practice

One of the statutes, namely, Section 483 R.S. authorizes the Commissioner of Patents, subject to the approval of the Secretary of Commerce, to establish from time to time regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office. These regulations are set forth in a Patent Office booklet entitled "Rules of Practice in the United States Patent Office." The Rules of Practice are binding upon applicants and their attorneys.

### 1-5. Commissioner's Orders and Notices

From time to time, the Commissioner of Patents has issued Orders and Notices relating to various specific situations that have arisen in operating the Patent Office.

1-6.

### Decisions

In addition to the statutory regulations, the actions taken by the Examiner in the examination of applications for patents are to some extent governed by decisions on prior cases. Those dissatisfied with an Examiner's action may have it reviewed. In general, it may be stated that from that portion of the Examiner's action pertaining to objections on formal matters, a petition for review may be taken to the Commissioner of Patents (12-1) and from that portion of the Examiner's action pertaining to the rejection of claims on the merits, an appeal may be taken to the Board of Appeals (14-1). The distinction is set forth in Rules 31 and 32. The decision of the Commissioner on formal matters is final but the decisions of the Board of Appeals on questions passed on by them may be carried to the courts. See 14-4. In citing decisions as authority for his actions, the Examiner should cite the decision in the manner set forth in 10-9-7 of the manual and should clearly state what point in the decision supports his contention.

Organization of Patent Office

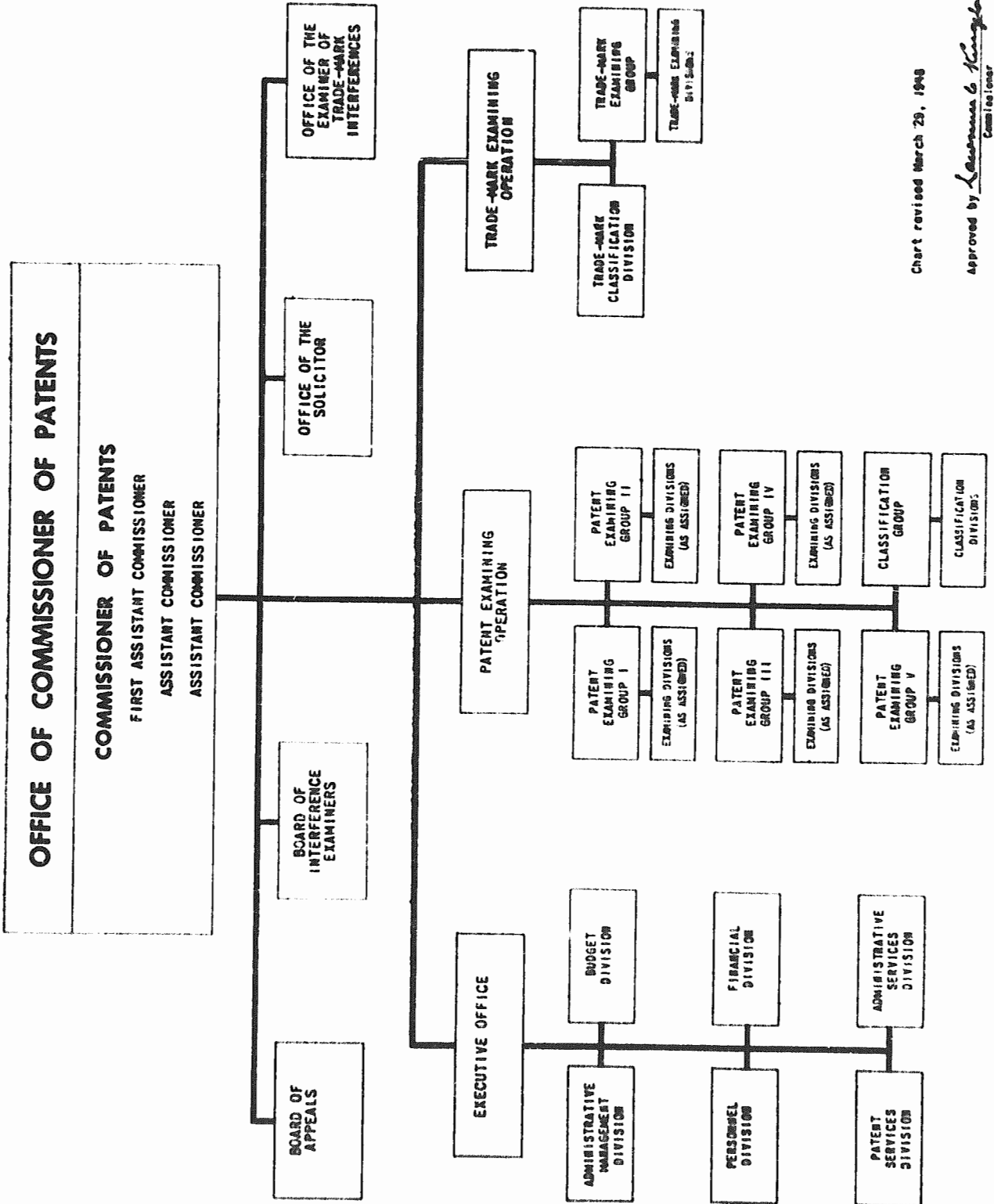


Chart revised March 29, 1948

Approved by *L. Lawrence King*  
Commissioner

1-8. Commissioner

The Patent Office is a bureau within the Department of Commerce.

The Commissioner of Patents superintends the granting and issuing of patents as directed by law. He is assisted by the First Assistant Commissioner and several Assistant Commissioners.

1-9. Board of Appeals

In addition to their other assignments the Commissioner of Patents and the Assistant Commissioners, together with nine Examiners-in-Chief, constitute the Board of Appeals whose duty it is to hear and decide appeals from adverse decisions of Examiners upon applications for patents. Each appeal is heard by at least three members of this Board of Appeals.

1-10. Board of Interference Examiners

The Board of Interference Examiners deals with questions of priority between rival claimants to the same or substantially the same patentable invention. Interferences are decided by three members of the Board and in appropriate cases, their decisions may be carried to the courts.

1-11. Solicitor

The Office of the Solicitor comprises a Solicitor and five Law Examiners. This office is under the immediate direction of the Commissioner of Patents. The functions of the Solicitor and his staff of Law Examiners are to represent the Commissioner of Patents in cases requiring his appearance in court proceedings.

1-12. Patent Examining Operation

The patent examining operation which is, of course, by far the most important function of the Patent Office, is directly under the Commissioner of Patents. Six groups, Patent Examining Groups I to V and a Classification Group divide the work. Each of these groups is headed by a Supervisory Patent Examiner. The Supervisory Patent Examiner of each examining group supervises the operation of a number of examining examiners assigned while the Classification Supervisory Patent Examiner supervises the several classification divisions.

The Classification Group develops and maintains a system for the classification of scientific and technological art representing research in the examination of patent applications,

maintains a uniform practice governing requirements for division.

The Patent Examining Groups, acting through the patent examining divisions assigned thereto under the administrative direction of the Supervisory Patent Examiner in charge determine the novelty of the subject matter claimed and the conformity of applications with statutory and Office requirements in connection with allowing or denying the grant of Letters Patent. Each patent examining division is headed by a Primary Patent Examiner and each classification division is headed by a Primary Classification Examiner. Each examining and classification division has an Assistant Primary Examiner and a number of Examiners of grades P-1 through P-5.

The Primary Patent Examiners have the final responsibility for all actions taken in applications pending in their respective divisions and have complete responsibility for the final allowance of patents issuing from their respective divisions.

1-13.                    Supervisory Examiners

The Supervisory Patent Examiners aid the Commissioner in the administration of the Patent Office with respect to the examining personnel, and in coordinating the formal procedures and practices among the examining divisions. Moreover, they investigate complaints, investigate or decide for the Commissioner such petitions on matters relating to examining procedure as may be referred or delegated by the Commissioner; pass upon certain actions proposed to be taken by Examiners; and perform such other duties as may be assigned by the Commissioner. See 12-3. A list of those actions taken by the Primary Patent Examiners which must be approved by a Supervisory Examiner before mailing is given in 12-3.

1-14.                    Executive Office

The Executive Office is headed by the Executive Officer who is directly under the Commissioner of Patents. As shown by the chart, the Executive Office comprises a number of divisions handling the administrative, financial, personnel, and services (as distinguished from examining) work of the Office.

1-15.                    Trade-Marks

The Trade-Mark procedure is not covered in this manual.