

Chapter 500 Receipt and Handling of Mail and Papers

- 501 Papers Received by Correspondence and Mail Division
- 502 Depositing Papers
- 503 Serial Number and Filing Receipt
- 504 Register of Applications
- 505 "Office Date" Stamp of Receipt
- 506 Completeness of Original Application
 - 506.01 Return of Incomplete Application
- 507 Drafting Division
- 508 Distribution
 - 508.01 Papers Sent to Wrong Group
 - 508.02 Papers Received After Patenting or Abandonment
 - 508.03 Unmatched Papers

509 Payment of Fees

501 Papers Received by Correspondence and Mail Division [R-35]

Rule 1. *All communications to be addressed to the Commissioner of Patents.* All letters and other communications intended for the Patent Office must be addressed to "Commissioner of Patents," Washington, D.C. 20231. When appropriate, a letter may be marked for the attention of a particular officer or individual.

The official mailing address for all communications sent to the Patent Office remains: Commissioner of Patents
Washington, D.C. 20231

The physical location of the Office is 2021 Jefferson Davis Highway, Arlington, Virginia. This address should not be used on mail sent to the Patent Office.

All mailed communications are received by the Incoming-Mail Section of the Correspondence and Mail Division, which opens and distributes all official mail.

502 Depositing Papers [R-35]

Rule 5. *Identification of application, patent or registration.* (a) When a letter concerns an application for patent, it should state the name of the applicant, the title of the invention, the serial number of the application, the date of filing the same, and, if known, the group art unit and name of the examiner to which it has been assigned (see rule 55).

(b) When the letter concerns a patent, it should state the number and date of issue of the patent, the name of the patentee, and the title of the invention.

(c) A letter relating to a trademark application should identify it as such and by the name of the applicant and the serial number and filing date of the application. A letter relating to a registered trademark should identify it by the name of the registrant and by the number and date of the certificate.

Rule 6. *Receipt of letters and papers.* (a) Letters and other papers received in the Patent Office are stamped with the date of receipt. No papers are received in the Patent Office on Saturdays, Sundays or holidays within the District of Columbia.

(b) Mail placed in the Patent Office pouch up to midnight on weekdays, excepting Saturdays and holidays, by the post office at Washington, D.C., serving the Patent Office, is considered as having been received in the Patent Office on the day it was so placed in the pouch.

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the lobby of building 3 of the Patent Office at Crystal Plaza, Arlington, Virginia and at the main entrance of the Department of Commerce building, Washington, D.C., on weekdays except Saturdays and holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

Applications, amendments and other papers may be sent to the Patent Office by mail, or they may be deposited in the Correspondence and Mail Division or in a box which is kept in the lobby of building 3 of the Patent Office for this purpose.

The Patent Office ZIP Code designation "20231" should be used when writing the Patent Office for any matter. In addition, the sender's own ZIP Code designation should be given.

The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, requests for extension of time, and petitions.

Frequently, there are errors in the serial number or in the group art unit number, or the

incoming paper uses the old group art unit number where an application has been transferred and acted on by a different examining group.

Where the group art unit number is entirely omitted, the routine operations of the Application Division must be interrupted solely for the purpose of determining the location of the application so that the communication can be properly routed. Under these circumstances the efficiency of the Application Division is impaired and the incoming paper is delayed in reaching its proper destination. Where such papers are not essential to compliance with a statutory period or time limit for response, they may be returned for completion to identify the location of the files.

It would be of great assistance to the Office if *all* incoming papers pertaining to a filed application carried the following items:

1. Serial number (checked for accuracy).
2. Group art unit number (copied from filing receipt or most recent Office Action).
3. Filing date.
4. Name of the examiner who prepared the most recent Office Action.
5. Title of invention.

To further reduce the burden on the Application Division and the examining groups, it is also requested that the submission of additional or supplemental papers on a newly filed application be deferred until a filing receipt has been received. In the same vein, it would be appreciated if the filing of additional papers relating to an allowed application were deferred until a notice of allowance (POL-85) is received.

If the above suggestions are adopted the processing of both new and allowed applications could proceed more efficiently and promptly through the Patent Office.

HAND DELIVERY OF PAPERS

Applicants, or their attorneys or agents, may personally deliver to the examining groups any paper which relates to a pending application file. Such papers will be date stamped upon receipt by the clerical employees in each of the examining groups.

All such papers, together with the cash, checks, or money orders, shall be hand carried to the Cashier's Window, Room 2-1B01, between the hours of 3:00 p.m. and 4:00 p.m.

The papers shall be processed by the accounting clerk, Office of Finance, for pickup at the Cashier's Window by 3:00 p.m. the following work day. Upon return to the group, the papers will be entered in the application file wrappers.

A duplicate copy of officially date-stamped papers may be hand delivered. See §§ 104, 710.02(e) and 713.01.

503 Serial Number and Filing Receipt [R-35]

Serial Numbers are assigned in the Correspondence and Mail Division immediately after mail has been opened.

With the implementation of this new procedure, it is no longer necessary to submit two self-addressed post cards when early notification of the serial number is desired. If a self-addressed post card is submitted with a patent application, that post card will be stamped with both the receipt date and serial number prior to returning it to the addressee.

The identifying data on the post card should include: (1) applicant's name(s); (2) title of invention; (3) number of pages of specification, claims, and sheets of drawing; (4) whether oath or declaration used; and (5) amount and manner of paying the fee.

A return post card should be attached to *each* patent application for which a receipt is desired.

It should be recognized that the identification of an application by Serial Number does not necessarily signify that the Patent Office has accepted the application as complete. After the application has been reviewed for statutory compliance and given an official filing date, the usual filing receipt will be mailed.

In the Application Division each application which meets the formal requirements as to completeness is given a filing date. It is important, when referring to application files, to identify them by their filing dates as well as by serial numbers.

The Application Division mails a receipt to the attorney or agent, if any, otherwise to the applicant, for each complete application filed, giving the serial number, filing date, and group to which assigned. See § 506.

In the Application Division the application papers are placed in a file wrapper and certain data placed thereon.

If a receipt of any paper filed in the Patent Office is desired, it may be obtained by enclosing with the paper a self-addressed post card identifying the paper. The Patent Office will stamp the receipt date on the card and place it in the outgoing mail.

The identifying data on the card should be so complete as to match the paper with the application or other document to which it is to be associated. For example, the document should be identified by the applicant's name(s), serial number, filing date, interference number, etc., and the paper should be identified by specifying

the type thereof, namely, affidavit, amendment, appeal, application papers, brief, drawings, fees, motions, supplemental oath or declaration, petition, etc.

When papers for more than one document are filed under a single cover a return addressed post card should be attached to the paper for *each* document for which a receipt is desired.

504 Register of Applications [R-35]

The Application Division assigns the application to the examining group to which it appears to belong. A list of all applications arranged by serial numbers as well as an alphabetically arranged card index of the applicants is kept by the Application Division and the identification of the group to which each application is sent is made part of this record.

505 "Office Date" Stamp of Receipt [R-35]

In whatever manner an application or any part thereof, or an amendment, letter, or other paper is transmitted, the date of its receipt is stamped thereon by either the Correspondence and Mail Division or examining group. The stamp is referred to as the "Office Date" stamp and, if the application is complete (See rule 55), establishes the "filing date."

506 Completeness of Original Application [R-35]

If the application papers are too informal to be given a filing date, the case is held in the Application Division as an *incomplete* application and the applicant, is informed of the shortcomings of the papers. No filing date is granted until the incompleteness is corrected.

Such informality may consist of the omission of any one of the component parts of an application. The component parts of an application are;

1. A declaration or oath, 35 U.S.C. 111.
2. A specification, 35 U.S.C. 112.
3. A claim, 35 U.S.C. 112.
4. A drawing, 35 U.S.C. 113.
5. Basic statutory filing fee of \$65.

An application is *informal* if it is typed on both sides of the paper, or is not permanent, legible or reproducible. If such informalities are timely corrected, the application is given the filing date on which the original informal papers were filed.

The Application Division accords a filing date, as of the date of receipt in the Office, to application papers which include all of the

necessary components of a complete application required by statute, but are informal because they do not comply with the rules or notices. In such applications, the Application Division prepares a letter indicating the informality and places it in the file wrapper. The group mails the letter to applicant. Failure to correct the informality within the specified time results in abandonment of the application.

An application too informal to be admitted for examination may receive as its filing date, the date it was originally presented only under the conditions set forth in rule 183, and only when a satisfactory showing is made that a proper application could not be submitted originally and that applicant will suffer irreparable damage if the filing date sought is not accorded.

Inquiries directed to the Application Division, either in person or by telephone, concerning patent applications should not be made during the afternoon hours between 2:30 and 4:30.

The letter of transmittal accompanying the filing of continuing applications should include such additional information as the identification by serial number of the parent application, its status, and location in the Patent Office. The supplying of this information will permit the processing of these applications more rapidly than at present.

When a new application is filed with a request to transfer drawings under rule 88, the application papers should include drawing prints to enable the Application Division to process the case before transfer of the formal drawings is effected.

506.01 Return of Incomplete Application [R-35]

If a request is made, the parts of an incomplete application are returned by the Application Division. They may be used by applicant as part of a complete application if the missing parts are later supplied. See rule 53.

507 Drafting Division [R-35]

The drawing is sent to the Drafting Division to be inspected for formal compliance with the rules. If the drawing is satisfactory, it is stamped "approved". If the drawing contains defects which are not so serious as to warrant holding the application to be incomplete, the Draftsman checks the appropriate notation on the "Notice of Informal Patent Drawing" form PO-948.

See § 608.02(a) for handling of photoprints filed in lieu of drawings.

508 Distribution [R-35]

The Application Division has permanent prints made of the drawings of all complete applications and secures the prints in the file wrappers. The drawings and files are then assembled and forwarded to the proper examining group.

When a new or substitute drawing is received, a print is made and forwarded to the group to be placed in the file as an official paper.

As to the procedure to be followed when a model is filed, see §§ 608.03 and 608.03(a).

508.01 Papers Sent to Wrong Group [R-35]

If there is no Serial Register card, storage card or transfer card in the group for drawings, amendments or other papers delivered to the group, Application Division should be telephoned to determine the current assignment of the application. The current group assignment should be placed on the paper and then forwarded to the appropriate group. The assignment indicated by Application Division may be verified by calling the group indicated before forwarding the paper.

The Patent Application Locator and Monitoring System (PALM) Control Office may also be called for assistance in locating a pending application.

A terminal disclaimer should not be routed directly to an examining group. If such a paper (without the file) is received, it should be promptly forwarded *without the file* to the Issue and Gazette Division. In some situations the Issue and Gazette Division may be holding a terminal disclaimer. This may be checked by calling the Chief of the Issue and Gazette Division by telephone.

508.02 Papers Received After Patenting or Abandonment [R-28]

After an application is patented or abandoned, any incoming communication which is not to become part of the record is sent to the Correspondence and Mail Division for handling with the status of the application indicated thereon.

508.03 Unmatched Papers [R-35]

These instructions set forth procedures for handling unmatched papers in the examining groups. It is suggested that the unmatched papers within a group be frequently reviewed to determine which should be sent to the Paper Correlating Office (PCO).

Item 1 below treats the papers in the "Serial number too high" category. Items 2-6 below are directed to all other unmatched papers not in the "Serial number too high" category.

1. Unmatched papers in the "Serial No. Too High" category

This collection of papers being held by the group should be reviewed *at least* once a week. Any paper having a serial number which clearly should have already been received by the group should be removed from this collection. Where the group does not have a corresponding application for any of these papers, inquiry should be made of the Application Division and PALM to determine the group of record. If another group number is indicated, the paper should be forwarded to that group. If neither Application Division nor PALM yields a new group number for the indicated Serial No., the paper should be sent to the PCO.

2. Unmatched papers having a serial number for which no serial register card is present in the group

It can be assumed that either the group number or the serial number on these papers is incorrect. Inquiry should be made of the Application Division and PALM to determine the group of record and the procedure set out in item 1 above followed. An exception to this practice should be made where the paper has thereon the name of an examiner in the group. In these situations a careful check of the group records and files as well as consultation with the indicated examiner should be made to determine the correct serial number. If this does not yield a new serial number the paper should be sent to the PCO.

3. Unmatched papers relating to cases abandoned from group

The file should be ordered from Abandoned Files. If the file is not received therefrom, the paper should be forwarded to the PCO. Charge Card, PO-125, returned by Abandoned Files should be stapled to the paper when it is sent to the PCO.

4. Amendments such as those under Rule 312 and Priority papers for applications which have been sent to the Issue and Gazette Division

The file should be ordered immediately from Issue and Gazette Division. If the file is not received within ten days of the order, the paper should be sent to the PCO. Where the file is timely received, appropriate prompt action including acknowledgement of priority papers should be made by the examiner in the group. The instructions of this section (4) apply to all files in I and G including those which have been assigned a Patent Number and Issue Date.

5. Unmatched papers other than those in item 4 above (Powers of Attorney, Changes of Address, Express Abandonments, etc.) for applications which have been sent to the Issue and Gazette Division

Since consideration by the group is apparently unnecessary in these instances, these papers should be

forwarded immediately to the Issue and Gazette Division with a note indicating the date on which the file was forwarded from the group.

6. *Unmatched papers for cases which are known to be pending in the group but cannot be located*

Generally these are applications for which a serial register card is present in the group, but the file is not immediately available. These papers should be retained in the group for processing.

Each paper sent to the PCO must have a PCO Transmittal Form stapled thereto. Each form attached to a paper should be filled out as completely as possible. Transmittal Forms attached to papers in categories 1 and 2 must have an indication of the information obtained from both Application Division and PALM. The PALM information should be inserted in the large space at the bottom of the Form. This will help eliminate duplication of effort by PCO personnel. Papers received without transmittal forms or with incompletely filled out transmittal forms may be returned to the originating group. Additional copies of the PCO transmittal can be obtained by calling extension 73251.

509 Payment of Fees [R-30]

Rule 22. Fees payable in advance. Fees and charges payable to the Patent Office are required to be paid in advance, that is, at the time of making application for any action by the Office for which a fee or charge is payable.

Rule 23. Method of payment. All payments of money required for Patent Office fees should be made in United States specie, Treasury notes, national bank notes, post office money orders, or by certified checks. If sent in any other form, the Office may delay or cancel the credit until collection is made. Money orders and checks must be made payable to the Commissioner of Patents. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to the Patent Office will be at the risk of the sender; letters containing money should be registered.

Rule 24. Coupons. Coupons in denominations of twenty cents and fifty cents are sold by the Patent Office for the convenience of regular purchasers of U.S. patents, designs, and trademark registrations; these coupons may not be used for any other purpose. The 20-cent coupons are sold individually and in books of 50 with stubs for record for \$10.00. The 50-cent coupons are sold individually and in pads of 10 for \$5.00 and in books of 50 with stubs for record for \$25.00. These coupons are good until used; they may be transferred but cannot be redeemed.

NOTE: Public document coupons issued by the Superintendent of Documents cannot be used in the Patent Office, nor can the coupons issued by the Patent Office be used at the Government Printing Office or elsewhere.

Rule 25. Deposit accounts. (a) For the convenience of attorneys, agents, and the general public in ordering services offered by the Office, copies of records, etc., special deposit accounts may be established in the Patent Office. A minimum deposit of \$50.00 or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all services, copies, etc., requested must always be on deposit.

(b) Filing, issue, appeal, and petition fees may be charged against these accounts.

An overdrawn account will be immediately suspended and no charges will be accepted against it until a proper balance is restored, together with a payment of ten dollars to cover the work done by the Patent Office incident to suspending and reinstating the account and dealing with charges which may have been made in the meantime. It is expected, however, that reasonable precautions will be taken in all cases to avoid overdrafts, and if an account is suspended repeatedly it will be necessary to close it.

Similarly, because of the burden placed on the Patent Office incident to the operation of deposit accounts, a charge of ten dollars will be made for opening each new account.

The Patent Office will now accept lists of fifty (50) or more numbers arranged in numerical sequence to be charged to deposit accounts. Service charges, such as Special Handling and Air Mail postage for these orders, may also be charged to Deposit Accounts.

Rule 26. Refunds. Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of ten cents or less will not be returned unless specifically demanded, within a reasonable time, nor will the payer be notified of such amount; amounts over ten cents but less than one dollar may be returned in postage stamps, and other amounts by check.