

200 Types, Cross Noting, and Status of Application
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201 Types of Applications

- 201.01 National Applications
 - I. APPLICATIONS FILED UNDER 35 U.S.C. 111
 - II. INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES
- 201.02 General Terms Used to Describe Applications
 - I. APPLICATION FILED ON OR AFTER SEPTEMBER 16, 2012
 - II. PROVISIONAL APPLICATION FILED BEFORE SEPTEMBER 16, 2012
 - III. PROVISIONAL APPLICATION - IN GENERAL
- 201.04 Provisional Application
 - I. APPLICATION FILED ON OR AFTER SEPTEMBER 16, 2012
 - II. PROVISIONAL APPLICATION FILED BEFORE SEPTEMBER 16, 2012
 - III. PROVISIONAL APPLICATION - IN GENERAL
- 201.05 Reissue Application
 - 201.06(a) Former 37 CFR 1.60 Divisional Continuation Procedure
 - 201.06(b) Former 37 CFR 1.62 File Wrapper Continuing Procedure
 - 201.06(c) 37 CFR 1.53(b) and 37 CFR 1.63(d) Divisional-Continuation Procedure
 - 201.06(d) 37 CFR 1.53(d) Continued Prosecution Application (CPA) Practice
- 201.06 Divisional Application
 - I. IN GENERAL
 - II. OATH/DECLARATION
 - III. SPECIFICATION AND DRAWINGS
 - IV. INCORPORATION BY REFERENCE
 - A. Application NOT Entitled to a Filing Date
 - B. Application Entitled to a Filing Date
 - V. INVENTORSHIP
 - A. Applications Filed On or After September 16, 2012
 - B. Applications Filed Prior to September 16, 2012
 - VI. SUBSTITUTE STATEMENT AND RULE 47 ISSUES
 - VII. CHANGE OF ATTORNEY/CORRESPONDENCE ADDRESS
 - VIII. SMALL ENTITY OR MICRO ENTITY STATUS
 - IX. COPIES OF AFFIDAVITS
 - X. EXTENSIONS OF TIME
 - XI. ABANDONMENT OF THE PRIOR NONPROVISIONAL APPLICATION
 - XII. EXAMINATION
- 201.07 Continuation Application
- 201.08 Continuation-in-Part Application
 - I. CPA PRACTICE HAS BEEN ELIMINATED AS TO UTILITY AND PLANT APPLICATIONS
 - A. Applications Filed on or After June 8, 1995
 - B. Applications Filed Before June 8, 1995
 - II. FILING AND INITIAL PROCESSING OF CPAs FOR DESIGN APPLICATIONS
 - A. In General
 - B. Conditions for Filing a CPA
 - C. Initial Processing
 - D. Incorrect Patent Application Number Identified
 - E. Signature Requirement
 - F. Filing Date
 - G. Filing Fee
 - H. Small Entity or Micro Entity Status
 - I. Extensions of Time
 - J. Notice of CPA Filing
 - K. Inventorship
 - III. EXAMINATION OF CPAs
 - A. Benefit of Earlier Filing Date
 - B. Terminal Disclaimer
 - C. Prior Election
 - D. Information Disclosure Statements and Preliminary Amendments
 - E. Copies of Affidavits
 - F. Waiver of Confidentiality
 - G. Certified Copy
 - IV. PUBLIC ACCESS TO CPAs
 - V. FORMS

202 Cross-Noting

- I. NOTATION IN FILE HISTORY REGARDING PRIOR U.S. APPLICATIONS, INCLUDING PROVISIONAL APPLICATIONS
- II. NOTATION IN FILE HISTORY REGARDING FOREIGN PRIORITY APPLICATION
- 202.04 In Oath or Declaration - Application Filed Before September 16, 2012
 - 203.01 New
 - 203.02 Rejected
 - 203.03 Amended
 - 203.04 Allowed or in Issue
 - 203.05 Abandoned
 - 203.06 Incomplete
 - 203.08(a) Congressional and Other Official Inquiries
 - 203.08 Status Inquiries
 - I. IN GENERAL
 - II. NEW APPLICATION
 - III. AMENDED APPLICATIONS

210 Priority to, or the Benefit of, the Filing Date of a Prior-Filed Application

- I. REQUIREMENTS OF 37 CFR 1.78 (CLAIMING THE BENEFIT OF AN EARLIER DOMESTIC APPLICATION)
- II. REQUIREMENTS OF 37 CFR 1.55 (CLAIMING PRIORITY TO AN EARLIER FOREIGN APPLICATION)
- III. REQUIREMENT FOR A STATEMENT UNDER 37 CFR 1.55 OR 1.78 FOR FIRST INVENTOR TO FILE TRANSITION APPLICATIONS
 - A. Transition Applications
 - B. Application Data Sheet and Filing Receipt

217 Incorporation by Reference Under 37 CFR 1.57(a)

- I. IN GENERAL
- II. CONDITIONS AND REQUIREMENTS OF 37 CFR 1.57(a)
 - A. Application Filed On or After September 21, 2004
 - B. Material Must Be Inadvertently Omitted
 - C. Claim Under 37 CFR 1.55 or 1.78 Prevalt on Filing Date
 - D. Omitted Material Completely Contained in Prior-Filed Application
 - E. Amendment to Add Inadvertently Omitted Material
 - F. Petition Requirement
 - G. International Applications
- III. EXAMPLES
- IV. FORM PARAGRAPHS

216 Entitlement to Priority

- 216.01 Using Certificate of Correction to Perfect Claim for Priority Under 35 U.S.C. 119(a)-(d) or (f)

215 Certified Copy of Foreign Application

- I. REQUIREMENT FOR CERTIFIED COPY
- II. MEANING OF "CERTIFIED COPY"
- III. CERTIFIED COPY FILED IN PARENT OR RELATED APPLICATION
- IV. FOREIGN PRIORITY DOCUMENT INCONSISTENT WITH A TIMELY FOREIGN PRIORITY CLAIM OR NO CLAIM FOR FOREIGN PRIORITY
- V. APPLICATION IN ISSUE
- VI. NO CERTIFIED COPY
- 215.01 Electronic Priority Document Exchange
- 215.02(a) Timeliness Requirement - Met By Priority Document Exchange
- 215.02(b) Timeliness Requirement - Met By Interim Copy of Foreign Application
- 215.03 Time For Filing Certified Copy - Application Filed On or After March 16, 2013
- 215.04 Time For Filing Certified Copy - Application Filed Before March 16, 2013

214 Formal Requirements of Claim for Foreign Priority

- 214.01 Time for Filing Priority Claim
- 214.02 Unintentionally Delayed Priority Claims
- 214.03 Office Acknowledgement of Priority Claims
- 214.04 Proper Identification of Priority Application in Foreign Priority Claim
- I. UNTIMELY CLAIM FOR PRIORITY
- II. NO IRREGULARITIES AND PRIORITY CLAIM TIMELY
- III. FOREIGN APPLICATION FILED MORE THAN A YEAR BEFORE EARLIEST EFFECTIVE U.S. FILING
- IV. SOME FOREIGN APPLICATIONS FILED MORE THAN A YEAR BEFORE U.S. FILING
- V. APPLICATION IN ISSUE

213 Right of Priority of Foreign Application

- I. LIST OF RECOGNIZED COUNTRIES
- 213.01 Recognized Countries and Regional Patent Offices of Foreign Filing
- II. RIGHT OF PRIORITY BASED UPON AN INTERNATIONAL APPLICATION FILED UNDER THE PATENT COOPERATION TREATY
- III. RIGHT OF PRIORITY (35 U.S.C. 119(a)-(d) AND 365(a)-(b)) BASED ON A FOREIGN APPLICATION FILED UNDER A BILATERAL OR MULTILATERAL TREATY
- I. IDENTIFICATION OF FOREIGN APPLICATION
- II. THE SAME INVENTOR OR AT LEAST ONE COMMON JOINT INVENTOR
- III. TRANSITION APPLICATION STATEMENT
- I. FILING OF PAPERS DURING UNSCHEDULED CLOSINGS OF THE U.S. PATENT AND TRADEMARK OFFICE
- II. FIRST FOREIGN APPLICATION
- 213.03 Time for Filing U.S. Nonprovisional Application
- 213.04 Requirement to File Priority Claim and Certified Copy During Pendency of Application
- 213.05 Right of Priority Based Upon an Application for an Inventor's Certificate
- 213.06 Claiming Priority and Filing a Certified Copy in a National Stage Application (35 U.S.C. 371)

211 Claiming the Benefit of an Earlier Filing Date Under 35 U.S.C. 120 and 119(e)

- I. THE PRIOR-FILED APPLICATION MUST BE ENTITLED TO A FILING DATE
- II. SAME INVENTOR OR A COMMON JOINT INVENTOR
- III. TRANSITION APPLICATION STATEMENT
- IV. ADDITIONAL REQUIREMENTS
- 211.01(a) Claiming the Benefit of a Provisional Application
- 211.01(b) Claiming the Benefit of a Nonprovisional Application
- 211.01(c) Claiming the Benefit of a International Application Designating the United States
- I. CORRECTED FILING RECEIPT
- II. ADDING BENEFIT CLAIMS
- III. DELETING BENEFIT CLAIMS
- 211.02(a) Correcting or Adding a Benefit Claim After Filing
- 211.02 Reference to Prior Application(s)
- 211.03 Time Period for Making a Claim for Benefit Under 37 CFR 1.78
- 211.04 Delayed Benefit Claims
- A. Claiming the Benefit of Provisional Applications
- B. Claiming the Benefit of Nonprovisional Applications
- I. DISCLOSURE REQUIREMENT
- 211.05 Sufficiency of Disclosure in Prior-Filed Application