

Chapter 2800: Supplemental Examination
PatentEducationSeries.com

2801 Introduction

2802 Supplemental Examination

2803 Persons Who May File a Request for Supplemental Examination

- 2803.01 Inquiries from Persons Other Than the Patent Owner
- 2803.02 Public Access

2804 Representative of Patent Owner

2804.01 Withdrawal of Attorney or Agent

2805 Correspondence with Patent Owner; Patent Owner Address

2806 How to File Papers in a Supplemental Examination Proceeding and in Any Resulting Ex Parte Reexamination Proceeding

- I. Electronic Submission
- II. Paper Form (Hard Copy) Submissions
- III. Facsimile Transmission

2807 Format of Papers Filed in a Supplemental Examination Proceeding

2808 Time for Requesting Supplemental Examination

2809 Items of Information

- I. LIMIT ON THE NUMBER OF ITEMS OF INFORMATION SUBMITTED AS PART OF A SINGLE REQUEST
- II. REQUIREMENTS FOR AN ITEM OF INFORMATION
 - A. An Item of Information Must Be in Writing
 - B. An Item of Information Must Be Submitted as a Separate Document, Where Applicable
 - C. When an Item of Information May Be Contained within the Body of the Request
- III. HOW ITEMS OF INFORMATION ARE COUNTED
- IV. INFORMATION THAT SHOULD NOT BE SUBMITTED WITH THE REQUEST
- 2809.01 Information Relating to the Correction of Factual Information
 - I. SUPPLEMENTAL EXAMINATION IS LIMITED TO A DETERMINATION OF WHETHER THE REQUEST RAISES A SUBSTANTIAL NEW QUESTION OF PATENTABILITY
 - II. RECOMMENDED INFORMATION TO BE SUBMITTED WITH THE REQUEST
 - III. INFORMATION THAT SHOULD NOT BE SUBMITTED WITH THE REQUEST

2811 Content of Request for Supplemental Examination

- I. An Identification of the Patent for Which Supplemental Examination is Requested
- II. A List of All Items of Information Submitted With or as Part of the Request
- III. A List of Prior or Concurrent Post-Patent Office Proceedings
- IV. Identification of Each Claim of the Patent for which Supplemental Examination is Requested
- V. A Separate, Detailed Explanation of Relevance and Manner of Applying Each Item of Information to Each Patent Claim for Which Supplemental Examination is Requested
- VI. A Copy of the Patent for which Supplemental Examination is Requested, and a Copy of Any Disclaimer or Certificate Issued for the Patent
- VII. A Copy of Each Item of Information
- VIII. A Summary of the Relevant Portions of Any Document, Other Than the Request, Which is Over Fifty Pages in Length
- IX. An Identification of the Owner(s) of the Entire Right, Title, and Interest in the Patent Requested to be Examined, and a Submission Under 37 CFR 3.73(c)
- 2811.01 Detailed Explanation of the Relevance and Manner of Applying Each Item of Information
 - I. General
 - II. Requirement Cannot Be Satisfied By Incorporating by Reference a Paper from Another Proceeding or By Relying on a Paper by a Third Party
 - III. Detailed Explanation of Information Limited to Correction of Factual Information
- 2811.02 Optional Content
 - I. A Cover Sheet
 - II. A Table of Contents
 - III. An Explanation of How the Claims Patentably Distinguish Over the Items of Information
 - IV. An Explanation of Why Each Item of Information Submitted with the Request Does or Does Not Raise a Substantial New Question of Patentability

2822 Assignment of the Supplemental Examination Proceeding

2821 Multiple Post-Patent Office Proceedings

2820 Submission of Notification of Other Prior or Concurrent Post-Patent Office Proceedings

2819 Discovery of Possible Material Fraud

2818 Procedure after Conclusion of Supplemental Examination

- 2818.01 After Determination Finding a Substantial New Question of Patentability
- 2818.02 After Determination Finding No Substantial New Question of Patentability

2817 Conclusion of Supplemental Examination

2817.01 Processing and Electronic Issuance of Supplemental Examination Certificate

2816 Determination on the Request

2816.01 Claims Considered in Making the Determination

2816.02 Criteria for Making the Determination

2816.03 Content of the Determination

2816.04 Effect of the Determination

2815 Time for Deciding Request

2814 Interviews Are Prohibited

2813 Handling of Papers, Other Than a Request, in a Supplemental Examination Proceeding

- I. Actions on Petitions or Papers, Other Than the Request, May Be Held in Abeyance
 - A. Third Party Papers
 - B. Authorized but Defective Papers
 - C. Application Data Sheet (ADS)
- II. Unauthorized or Improper Papers

2813.01 Amendments

2812 Initial Processing of a Request for Supplemental Examination

2812.01 Filing Date of the Request

2812.02 Noncompliant Request for Supplemental Examination

2812.03 Corrected Request

2812.04 Termination Due to Defective/Improper Request or Corrected Request

2810 Fees Due on Filing a Supplemental Examination Request

2810.01 Document Size Fees

2823 Differences Between an Ex Parte Reexamination Proceeding Ordered Pursuant to 35 U.S.C. 257 and an Ex Parte Reexamination Proceeding Ordered Pursuant to 35 U.S.C. 302

Copyright © 2015 Intellectual Properties Enterprises, Inc