



UNITED STATES PATENT AND TRADEMARK OFFICE

Information Disclosure Statements

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571-272-0512



Contents

Why are applicants filing so many Information Disclosure Statements (IDSs), including Office actions, notices of allowances, foreign prior art and other information?

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Recent Court Decisions Highlight the Importance of IDSs

McKesson Info. Solutions v. Bridge Medical, Inc., 487 F.3d 897 (Fed. Cir. 2007)

Larson Mfg. Co. v. Aluminart Prods. Ltd., 559 F.3d 1317 (Fed. Cir. 2009)

Dayco Prods. Inc. v. Total Containment, Inc., 329 F.3d 1358 (Fed. Cir. 2003)

Therasense, Inc. v. Becton, Dickinson & Co., 2010 WL 1655391 (Fed. Cir. April 26, 2010) (granting petition for rehearing en banc and vacating previous decision)



Timing Requirements under 37 CFR 1.97

Applicants may file an IDS without statement or fees:

- “(1)(a) for national applications (not including CPAs), within 3 months of filing or before first Office action on the merits, whichever is later;
- (b) for national stage applications, within 3 months of entry into national stage or before first Office action on the merits, whichever is later;
- (c) for RCEs and CPAs before the first Office action on the merits.”

MPEP 609.01



Timing Requirements under 37 CFR 1.97

(2) After (1) but before final action, notice of allowance, or Quayle action	1.97(e) statement or 1.17(p) fee.
(3) After (2) and before (or with) payment of issue fee.	1.97(e) statement, and 1.17(p) fee.
(4) After payment of issue fee.	IDS will not be considered.

MPEP 609.01



Statement under 37 CFR 1.97(e)

(e) A statement under this section must state either:

- (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.



37 CFR 1.97(f)-(i)

- (f) No extensions of time for filing an information disclosure statement are permitted under § 1.136. If a bona fide attempt is made to comply with § 1.98, but part of the required content is inadvertently omitted, additional time may be given to enable full compliance.
- (g) An information disclosure statement filed in accordance with this section shall not be construed as a representation that a search has been made.
- (h) The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).
- (i) If an information disclosure statement does not comply with either this section or § 1.98, it will be placed in the file but will not be considered by the Office.



Third Parties

Third parties (individuals not covered by 37 CFR 1.56(c)) cannot file information disclosure statements under 37 CFR 1.97 and 37 CFR 1.98.

Third parties may only submit patents and publications in compliance with 37 CFR 1.99 in applications published under 35 U.S.C. 122(b). See MPEP § 1134.01.

MPEP 609



Contents of an IDS 37 CFR 1.98(a)(1)

- (1) A list of all patents, publications, applications, or other information submitted for consideration by the Office. U.S. patents and U.S. patent application publications must be listed in a section separately from citations of other documents. Each page of the list must include:
 - (i) The application number of the application in which the information disclosure statement is being submitted;
 - (ii) A column that provides a space, next to each document to be considered, for the examiner's initials; and
 - (iii) A heading that clearly indicates that the list is an information disclosure statement.



37 CFR 1.98(a)(2)

(2) A legible copy of:

- (i) Each foreign patent;
- (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
- (iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
- (iv) All other information or that portion which caused it to be listed.



37 CFR 1.98(a)(3)

- (3) (i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.
- (ii) A copy of the translation if a written English-language translation of a non-English- language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).



37 CFR 1.98(b)

- (b) (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.



37 CFR 1.98(c)

- (c) When the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative.



37 CFR 1.98(d)

- (d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:
- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
 - (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.



Recommended Use of PTO/SB/08A and 08B Forms (which substitute for the 1449 Form)

Use of form PTO/SB/08A and 08B, “Information Disclosure Statement,” is encouraged as a means to provide the required list of information as set forth in 37 CFR1.98(a)(1).

Applicants are encouraged to use the USPTO form PTO/SB/08A and 08B when preparing an information disclosure statement because this form is updated by the Office.

The form PTO/SB/08A and 08B will enable applicants to comply with the requirement to list each item of information being submitted and to provide the Office with a uniform listing of citations and with a ready way to indicate that the information has been considered.

MPEP 609



Consideration by the Examiner

Once the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met, the examiner has an obligation to consider the information. There is no requirement that the information must be prior art references in order to be considered by the examiner.

Consideration by the examiner of the information submitted in an IDS means nothing more than considering the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search.

MPEP 609



Examiner Initials and Signature

The initials of the examiner placed adjacent to the citations on the PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner. MPEP 609. (SB/08A and SB/08B replaced 1449 form.)

Examiner Initials*	Cite No. ¹	Document Number
		Number-Kind Code ² (if known)
JD		US- 3703445

Examiner Signature	/John Doe/
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*EXAMINER: Initial if reference



Alternatives to Initialing Each Reference

In addition, the following alternative electronic signature method may be used by examiners in information disclosure statements to indicate whether the information has been considered.

Examiners will no longer initial each reference citation considered, but will continue to strikethrough each citation not considered.

Each page of reference citations will be stamped by the examiner with the phrase “All references considered except where lined through” along with the examiner’s electronic initials, and the final page of reference citations will include the examiner’s electronic signature.

MPEP 609



Example of Alternative Consideration

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Exam Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Altenbach, Robert et al., Structure-Activity Studies on a Series of a 2-Aminopyrimidine-Containing Histamine H4 Receptor Ligands, Jour. Med. Chem. (2008), 51(20), pages 6571-6580	
		Ge, Hai-Xia et al., Synthesis and bioactivity of aripiprazole derivatives. Arzneimittel Forschung, (2006), 56(10), pages 673-677	
Examiner Signature	/Douglas Willis/		Date Considered 08/11/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of U.S. Patent Documents at www.uspto.gov. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.W./



PTO/SB/08A

PTO/SB/08A (07-06)

Approved for use through 09/30/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substituta for form 1449/PTO		Complete if Known	
		Application Number	07/123,456
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Filing Date	01-02-91
		First Named Inventor	C. Smith
		Art Unit	3615
		Examiner Name	John Doe
		Attorney Docket Number	56789
Sheet		of	

U. S. PATENT DOCUMENTS					
Examiner Initials ²	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JD		US- 3703445	11-07-1972	Tew	All
JD		US- 3994000	06-09-1975	Reitter	All Figures
JD		US- 3694509	01-26-1971	Sarich	Pages 2 -10
JD		US- 4325777	05-22-1990	Wolfe	All
		US-			



PTO/SB/08B Non-Patent Literature

Under the Paperwork Reduction Act of 1997, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			<i>Complete if Known</i>		
			Application Number	07/123,456	
			Filing Date	01-02-91	
			First Named Inventor	C. Smith	
			Art Unit	3615	
			Examiner Name	John Doe	
Sheet		of		Attorney Docket Number	56789

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
JD		Kovach, "Simple Precision RC Oscillator," IBM Tech. Disclosure Bulletin, 3/12/1990, Vol. 16, No. 10; pgs. 3174-3175	



Examples of Complete Citations of Non-Patent Literature

OTHER DOCUMENTS	
(Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published)	
	Office Action issued January 12, 2009, in Taiwan Patent Application No. 092125255, filed September 12, 2003 (with English-language translation)
	International Search Report issued April 23, 2004 in PCT/JP03/11744 filed September 12, 2003.

4	Invitrogen. Printed January 22, 2008. "Dulbecco's Modified Eagle Medium (D-MEM) (1X) Liquid (High Glucose)." http://www.invitrogen.com/content.cfm?pageld=95&fuseaction=MediaForm.dsp_mediaForm&productId...
5	Uniprot entry for Q899Z6. Printed March 14, 2008. http://www.pir.uniprot.org/cgi-bin/upEntry?id=Q899Z6_CLOTE . 3 pages.



Example of In complete Citations of Non-Patent Literature

This citation is incomplete because it does not include the web site visited:

About.Com, Beer Nutrition, 3 pp, downloaded from internet October 20, 2008



Examiner Checklist for IDSs

Examiners must check to see if an information disclosure statement (IDS) complies with:

- (A) All the time-related requirements of 37 CFR 1.97, which are based on the time of the filing of the IDS. See MPEP § 609.04(b) for more information.

MPEP 609.01



Examiner Checklist for IDSs

- (B) All content requirements of 37 CFR 1.98. See MPEP § 609.04(a) for more information.
- (1) Requirements for the IDS listing:
 - (a) A separate section for citations of U.S. patents and U.S. patent application publications;
 - (b) The application number of the application in which the IDS is being submitted on each page of the listing, if known;
 - (c) A column that provides a blank space next to each citation for the examiner's initials when the examiner considers the cited document; and
 - (d) A heading on the listing that clearly indicates that the list is an Information Disclosure Statement;



Examiner Checklist for IDSs

- (e) Proper identification of all cited references:
 - (i) U.S. patents cited by patent number, issue date and inventor(s);
 - (ii) U.S. patent application publications cited by publication number, publication date and inventor(s);
 - (iii) Pending U.S. applications cited by application number, filing date and inventor(s);
 - (iv) Foreign patent documents cited by document number (including kind code), country and publication or issue date; and
 - (v) Non-patent literature cited by publisher, author (if any), title, relevant pages, and date and place of publication.

MPEP 609.01



Examiner Checklist for IDSs

- 2) The requirement of copies for:
 - (a) Each cited foreign patent document;
 - (b) Each cited non-patent literature publication, or the portion therein which caused it to be listed;
 - (c) Each cited U.S. pending application that is not stored in IFW;
 - (d) All information cited (e.g., an affidavit or Office action), other than the specification, including claims and drawings, of a pending U.S. application; and
 - (e) All other cited information or the portion which caused it to be listed.

MPEP 609.01



Examiner Checklist for IDSs

- (3) For non-English documents that are cited, the following must be provided:
 - (a) A concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, unless a complete translation is provided; and /or
 - (b) A written English language translation of a non-English language document, or portion thereof, if it is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c). After the examiner reviews the IDS for compliance with 37 CFR 1.97 and 1.98, the examiner should: (See MPEP § 609.05).

MPEP 609.01



Examiner Checklist for IDSs

- (A) Consider the information properly submitted in an IDS in the same manner that the examiner considers other documents in Office search files while conducting a search of the prior art in a proper field of search.
- (1) For e-IDS, use the e-IDS icon on examiner's workstation to consider cited U.S. patents and U.S. patent application publications. See MPEP § 609.07 for more information on e-IDS.
 - (2) Initial the blank column next to the citation to indicate that the information has been considered by the examiner, or use the alternative electronic signature method by inserting on each page of reference citations the phrase "All references considered except where lined through " along with the examiner's electronic initials, and providing the examiner 's electronic signature on the final page of reference citations.

MPEP 609.01

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.M./



Citations Which are Not Considered

- (B) Draw a line through the citation to show that it has not been considered if the citation fails to comply with all the requirements of 37 CFR 1.97 and 37 CFR 1.98.

The examiner should inform applicant the reasons why a citation was not considered.



IDSs which are not considered

- (C) Write “not considered ” on an information disclosure statement if none of the information listed complies with the requirements of 37 CFR 1.97 and 37 CFR 1.98.

The examiner will inform applicant the reasons why the IDS was not considered by using form paragraphs 6.49 through 6.49.09.

MPEP 609.01



Sign and Date

- (D) Sign and date the bottom of the IDS listing, or use the alternative electronic signature method noted in item (A)(2) above.

- (E) Ensure that a copy of the IDS listing that is signed and dated by the examiner is entered into the file and mailed to applicant.

MPEP 609.01



Consideration

Examiners must consider all citations submitted in conformance with the rules, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO/SB/08A and 08B (or the examiner may use the alternative electronic signature method noted above) provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO/SB/08A and 08B form.

MPEP 609.05(b)



Consideration

The examiner need not have the information translated unless it appears to be necessary to do so. The examiner will indicate that the non-English language information has been considered in the same manner as consideration is indicated for information submitted in English. The examiner should not require that a translation be filed by applicant. The examiner should not make any comment such as that the non-English language information has only been considered to the extent understood, since this fact is inherent.

MPEP 609.05(b)



Date Requirement

The date of publication supplied must include at least the month and year of publication, except that the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

MPEP 609.04(a)



Pending US Applications

Pending U.S. applications that are being cited can be listed under the non-patent literature section or in a new section appropriately labeled.

MPEP 609.04(a)

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ²	Number ³ +Kind Code ⁴ (if known)		
Gy	BA	-	WO03042221		
	BB	-	EP1366737		

/G.Y./	1	U.S. APPLICATION NO. 11/194,787.
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Office Actions and Notice of Allowances from Pending US Applications

	SECRET NO. 09605.0014, Examiner D. GALLIS.
14	Office Action mailed December 22, 2008, in co-pending U.S. Application No. 10/544,360 (Attorney Docket No. 09605.0014), Examiner D. GALLIS.
15	Notice of Allowance mailed June 22, 2009, in co-pending U.S. Application No. 10/544,360 (Attorney Docket No. 09605.0014), Examiner D. GALLIS.
16	Record for Etoricoxib from MedicalLook at http://www.medical-look.com/reviews/Etoricoxib.html , last accessed on February 15, 2009.



Example: Treatment of References which are not Considered

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
	B6	WO	99/28504	CURAGEN CORPORATION	06/10/99		
	B7	WO	01/20039 A2	CURAGEN CORPORATION	03/22/01		
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.					
	C5	Karabacak et al., "Enhances step coverage by oblique angle physical vapor deposition", <i>J. Appl. Physics</i> , 97:124504-1—124504-5 (2005)					

* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Published Applications A7-A9 are not submitted.

Examiner Signature		Date Considered	
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Example: Treatment of References which are not considered

M.C.I	International Search Report PCT/EP2005/055021, 05/10/2005.
✖	A. FRAYOLINI ET AL, GCITAS, Gazz. Chim. Ital (1973) Vol. 103 Pages 755-770.

* The original reference is not provided, and ^{is} not considered.



Consideration of Non-English Documents

If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

MPEP 609.04(a)



Information Used in a New Ground of Rejection- Not Appropriate

1. Final Rejection is Not Appropriate

If information submitted during the period set forth in 37 CFR 1.97(c) with a statement under 37 CFR 1.97(e) is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the Office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office.

MPEP 609.04(b)



Information Used in a New Ground of Rejection- Appropriate

2. Final Rejection Is Appropriate

The information submitted with a statement under 37 CFR 1.97(e) can be used in a new ground of rejection and the next Office action can be made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee as set forth in 37 CFR 1.17(p), the examiner may use the information submitted, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP § 706.07(a).

MPEP 609.04(b)



Information Used in a New Ground of Rejection- Form Paragraph 7.40.01

7.40.01 Action Is Final, Necessitated by IDS With Fee
Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on [1] prompted the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Submission after an Ex parte Quayle Action

An Ex parte Quayle action is an action that closes the prosecution in the application as referred to in 37 CFR 1.97(c). Therefore, an information disclosure statement filed after an Ex parte Quayle action, must comply with the provisions of 37 CFR 1.97(d).

MPEP 609.04(b)



Documents Submitted as Part of Applicant's Reply to Office action

Occasionally, documents are submitted and relied on by an applicant when replying to an Office action. These documents may be relied on by an applicant, for example, to show that an element recited in the claim is operative or that a term used in the claim has a recognized meaning in the art. Documents may be in any form but are typically in the form of an affidavit, declaration, patent, or printed publication.

To the extent that a document is submitted as evidence directed to an issue of patentability raised in an Office action, and the evidence is timely presented, applicant need not satisfy the requirements of 37 CFR 1.97 and 37 CFR 1.98 in order to have the examiner consider the information contained in the document relied on by applicant.

MPEP 609.05(c)



Information Printed on Patent

A citation listed on form PTO/SB/08A and 08B and considered by the examiner will be printed on the patent. A citation listed in a separate paper, equivalent to but not on form PTO/SB/08A and 08B, and considered by the examiner will be printed on the patent if the list lends itself to easy capture of the necessary information by the Office printing contractor, i.e., each item of information is listed on a single line, the lines are at least double-spaced from each other, and the information is uniform in format for each listed item.

MPEP 609.06



Information Printed on Patent

If the applicant does not provide classification information for a citation, or if the examiner lines through incorrect classification data, the citation will be printed on the face of the patent without the classification information.

If a U.S. patent application number is listed on a PTO/SB/08A and 08B form or its equivalent and the examiner considers the information and initials the form, the application number will be printed on the patent.

Applicants may wish to list U.S. patent application numbers on other than a form PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner, the patented file will reflect that fact as noted in MPEP § 609.05(b).

MPEP 609.06



How are US Patents printed on face of Patent?

U.S. PATENT DOCUMENTS

5,014,198	A	5/1991	Umemura	
5,196,946	A	3/1993	Balkanski et al.	
5,253,078	A	10/1993	Balkanski et al.	
5,422,736	A	6/1995	Katayama	
5,465,164	A	11/1995	Sugiura et al.	
5,680,129	A	10/1997	Weinberger et al.	
5,798,753	A *	8/1998	Zhou et al.	345/603
5,982,432	A	11/1999	Uenoyama et al.	



How are US Patent Documents printed on the face of Patent?

U.S. PATENT DOCUMENTS

6,584,232	B2 *	6/2003	Kobayashi	382/251
6,665,446	B1 *	12/2003	Kato	382/251
6,754,383	B1	6/2004	Payton	
6,832,006	B2	12/2004	Savakis et al.	
6,868,190	B1	3/2005	Morton	
6,891,975	B2 *	5/2005	Okada	382/243
6,917,384	B1 *	7/2005	Fukushima	348/333.03
2003/0016233	A1	1/2003	Charpentier	
2003/0174896	A1	9/2003	Ridge	
2004/0212692	A1	10/2004	Nakami et al.	
2004/0258301	A1	12/2004	Payton	



How are Foreign Patent Documents printed on the face of Patent?

(56)

References Cited

FOREIGN PATENT DOCUMENTS

WO	8905358	6/1989
WO	8908146	9/1989
WO	9008838	8/1990



Example: How Other Types of Publications are Printed on the Face of Patent

OTHER PUBLICATIONS

Christopholos et al., “The JPEG 2000 still image coding system: an Overview”, IEEE Transaction on Consumer Electronics, vol. 46 No. 4, pp. 1103-1127, Nov. 2000.*

Vetterli, Martin, “Wavelet Transforms and Subband Coding”, Journal of the Institute of Electronics, Information and Communication Engineers, vol. 74, No. 12, pp. 1275-1278, Dec. 1991.

Office Action, dated Nov. 16, 2007, in JP 2002-309901.

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Example: How Other Types of Publications are Printed on the Face of Patent

Heikema, et al. "Generation of Heat Shock Protein-Based Vaccines by Intracellular Loading of GP96 with Antigenic Peptides," *Immunology Letters*, 57(1-3):69-74 (1997).

Roman et al., "Synthetic Peptides Non-Covalently Bound to Bacterial HSP 70 Elicit Peptide-Specific T-Cell Responses in Vivo" *Immunology*, 88(4):487-492 (1996).

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Example: How Other Types of Publications are Printed on the Face of Patent

OTHER PUBLICATIONS

Texas Tea Advertisement written by IGT, published in 2000.

Winning Bid Advertisement written by WMS Gaming, Inc., published prior to 2000.

Top Dollar Advertisement written by IGT, published in 1998.

Slot Line Article including Mega Bucks big Check written by IGT, published in 1999.

Instant Winner Advertisement written by WMS Gaming Inc., available prior to 2001.



Example: How Other Types of Publications are Printed on the Face of Patent

OTHER PUBLICATIONS

WatchMark Corporation, “WatchMark Prospect Performance Management Product”, www.watchmark.com, 2002.

Welcome to Web Log Analyzer Analysis, <http://www.log-analyzer.net/faq.htm>.



Incorrectly Considered IDSs Can Cause Delays at Time of Issuance

“When the printer finds an apparent error in an application, the file is returned to the Office with an attached “Query/Printer Waiting” slip noting the supposed error.

The application should be taken up and acted on immediately and returned to the TC Director’s secretary within 72 hours (excluding weekends and holidays).

Either necessary corrective action should be taken or an indication should be made that the application is considered to be correct as it stands.”

MPEP 1309.02



Common Printer Query For IDSs

- (1) The printer verifies whether every allowed application contains either a PTO892 or SB/08 (1449) form.

[RUSH] Message:

There are no PTO-892/1449 forms present. Please verify if there are any reference citations for publication.

- (2) The printer requires all citations on an IDS to be appropriately considered.

[RUSH] Message:

Please initial/line through citations on IDS 8/3/2009 and 8/24/2009.

- (3) The printer requires that final page of each IDS under consideration to be signed.



Questions?

Thank you!

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