

Sequence Listings

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Overview

- Sequence listings (SLs) in International Applications (IAs) under the PCT
- Sequence listings (SLs) in National Stage
 Applications under 35 U.S.C. §371
- Transfer requests under 37 C.F.R. §1.821(e)
- Revision of WIPO ST.25 Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications



SLs in IAs under the PCT

- PCT Rule 5.2(a) specifies that where an IA contains disclosure of one or more nucleotide and/or amino acid sequences, the description **shall** contain a SL
 - SL forming part of the IA
 - Sometimes called the "paper copy" or "written form"
 - Originally filed, corrected under Rule 26, or added by amendment under Article 34(2)(b)
 - Separated and numbered separately from the rest of the description
 AND
- PCT Rule 13ter.1(a) specifies that where an IA contains disclosure of one or more sequences, the International Searching Authority (ISA) may invite applicant to furnish for search purposes, a SL in electronic form
 - SL not forming part of the IA
 - Sometimes called the "CRF," "search tool," or "electronic form"
 - Filed in computer readable form (CRF) text format
 - » Not required where the SL forming part of the IA was filed in text format



Historical Reference for SLs in International Applications filed in RO/US

- Prior to Jan 2001 Sequence listings (SLs) were required to be filed
 - On paper as part of the description, and
 - In electronic form for search purposes
- Jan 2001 SLs could be filed under PCT Administrative Instructions (AI) Part 8
 - In electronic form (CD) as part of the description, and
 - In electronic form (CD) for search purposes
- Sep 2002 SL related tables could be filed under PCT Al Part 8/Annex C-bis
 - In electronic form (CD) as part of the description
- Oct 2006 SL and related tables could be filed under PCT Al Part 7
 - Via EFS-Web as part of a wholly electronic IA
 - » In PDF format as part of the description and in text format as the search tool or
 - » In text format as part of the description, which also serves as the search tool
 - SL or tables could be filed in text format on CD on the same day (via hand-carry or Express Mail) if the file is too large for EFS-Web

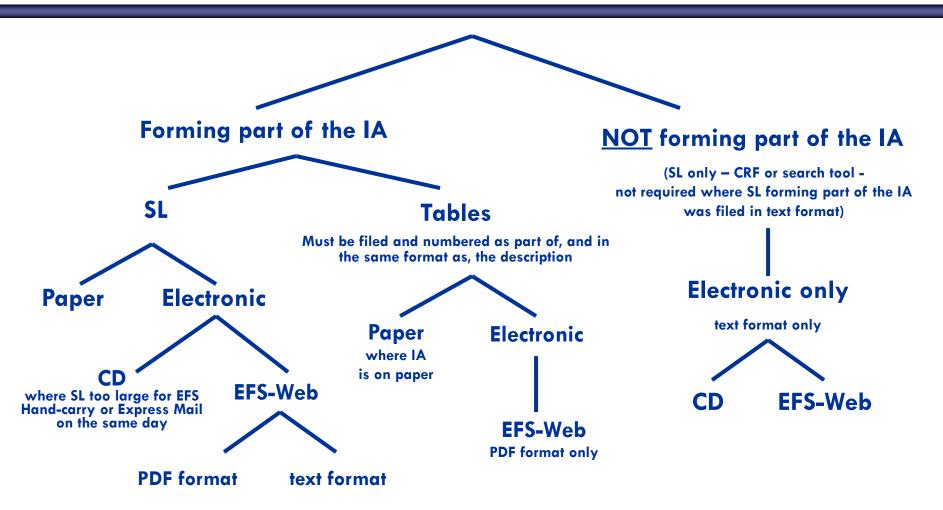


Options for Filing a SL or Tables on/after July 1, 2009 in RO/US

- PCT Al Part 8 and Annex C-bis were deleted
- SL forming part of the IA may be filed
 - On paper as part of an IA filed on paper
 - In electronic form in PDF or text format via EFS-Web as part of a fully electronic IA
 - On CD the same day (hand-carry or Express Mail) where the file is too large for EFS-Web
- SL not forming part of the IA (search tool or CRF) must be in text format
 - On CD accompanying an IA filed on paper
 - In EFS-Web (not required where the SL forming part of the IA was filed in text format)
 - On CD the same day (hand-carry or Express Mail) where the file is too large for EFS-Web (not required where the SL forming part of the IA was filed in text format)
- Sequence-related tables
 - Can no longer be submitted in text format
 - Must be filed and numbered as part of, and in the same format as, the description
 - » On paper as part of an IA filed on paper, or
 - » In PDF format via EFS-Web as part of a fully electronic IA



Sequence Listings or Tables on/after 01 July 2009 in RO/US





Fee Calculation for SL or Tables in IAs

- A SL forming part of the IA filed
 - In text format in EFS-Web NO page fees
 - » SEQ.TXT doc code
 - On paper or in PDF FULL page fees no upper limit
 - » SEQLIST doc code
- A SL-related table
 - On paper or in PDF numbered as part of the description –
 FULL page fees no upper limit
 - » SPEC doc code



Request – Box IX –PCT/RO/101

Parts of the International Application

Accompanying items NOT part of the international application

Box No. IX CHECK LIST for EFS-Web filings - this	sheet is only to be used when filing an international application with RO/US via EFS-Web
This international application Number contains the following: of sheets (a) request form PCT/RO/101	This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):
(including any declarations and supplemental sheets):	☐ fee calculation sheet
(b) description (excluding any sequence listing part of the description, see (f), below) :	3. original general power of attorney
(c) claims	5. statement explaining lack of signature
(d) abstract	6. priority document(s) identified in Box No. VI as item(s)
(f) sequence listing part of the description in the form of an image file (e.g. PDF)	7. Translation of international application into (language): 8. separate indications concerning deposited microorganism or other biological material
Total number of sheets (including the sequence listing part of the description if filed as an image file)	9. (only where item (f) is marked in the left column) copy of the sequence listing in electronic form (Annex C/ST.25 text file) not forming part of the international application but furnished only for the purposes of international search under Rule 13ter
filed in the form of an Annex C/ST.25 text	10. (only where item (f) is marked in the left column) a statement confirming that "the information recorded in electronic form submitted under
☐ WILL BE filed separately on physical data carrier(s), on the same day and in the form of an Annex C/ST.25 text file	Rule 13 <i>ter</i> is identical to the sequence listing as contained in the international application" as filed via EFS-Web:
Indicate type and number of physical data carrier(s)	11. ☐ copy of results of earlier search(es) (Rule 12bis.1(a)) : 12. ☐ other (specify):
Figure of the drawings which should accompany the abstract:	Language of filing of the international application:

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Request – Box IX –PCT SAFE

Parts of the International Application

	Check list	number of sheets	electronic file(s) attached
-1	Request (including declaration sheets)	6	/
-2	Description	86	-
(-3	Claims	10	-
(-4	Abstract	1	/
(-5	Drawings	24	-
-7	TOTAL	127	
	Accompanying Items	paper document(s) attached	electronic file(s) attached
(-8	Fee calculation sheet	✓	-
(-18	PCT-SAFE physical media	_	✓

Accompanying items NOT part of the international application



Indication of the Presence of a SL in an International Application

- The Request must contain an indication as to
 - the presence of a SL and
 - whether the SL forms part of the IA or is only the search tool (CRF)
 - a statement of incorporation by reference of the SL (as required by U.S. provisions) in an IA is **NOT** sufficient
- Failure to identify the SL as part of the IA in the Request may cause repercussions in National Stage where sequences are not otherwise disclosed in the IA
 - Even if the SL was provided on the international filing date (IFD)
- Instructions for proper completion of the Request are
 - available on the PCT Legal Administration home page at www.uspto.gov/go/pct
 PCT & Sequence Listing (5L)
 - July 2009 Administrative Instruction Changes
 - Instructions & Examples of Filled-out Request with SL
 - Conventional Request (PCT/RO/101)
 - PCT-SAFE/EASY



PCT/RO/101 Checklist EFS-Web SL in Text Format Only

	Box No. IX CHECK LIST for EFS-Web filings - this	sheet is only to be used when filing an international application with RO/US via EFS-Web	
	This international application Number contains the following: of sheets	This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	
	(a) request form PCT/RO/101 (including any declarations	1. fee calculation sheet	IA in EFS-Web
Tables, if any,	and supplemental sheets)	2. □ original separate power of attorney :	
included in	(b) description (excluding any sequence listing part of the	3. original general power of attorney	
description	description, see (f), below) : 30	copy of general power of attorney; reference number:	
	(c) claims	5. statement explaining lack of signature	
	(d) abstract	6. priority document(s) identified in Box No. VI	
	(e) drawings (if any)	as item(s)	
	(f) sequence listing part of the description in the form of an	(language):	
	image file (e.g. PDF) :	separate indications concerning deposited microorganism or other biological material	
		9. Showhere item (f) is marked in the left column)	
SL forming	Total number of sheets (including the sequence listing part of the description	copy of the sequence living in electronic form (Annex C/ST.25 text file) not forming	Boxes 9 and 10 not
part of the IA	if filed as an image file) : 49	part of the international application but	checked – SL in text
text format	(g) sequence listing part of the description	furnished only for the purposes of international search and rule 13 <i>ter</i>	ormat is used as the CRF
only		10. (only where item (f) is marked in the left column)	for search
(SEQ.TXT)	file	a statement confirming that "the information recorded in electronic form submitted under	
Rarely used,	→ WILL BE filed separately on physical data carrier(s), on the same day and in the form	Rule 13ter is identical to the sequence listing as contained in the international application"	
when SL >	of an Annex C/ST.25 text file	as filed via EFS-Web: :	
EFS-Web	Indicate type and number of physical data	11. \square copy of results of earlier search(es) (Rule 12 bis .1(a)) :	
September 2011	carrier(s)	12. other (specify): : :	
	Figure of the drawings which should accompany the abstract:	Language of filing of the international application: English] 11



SAFE Request — Checklist EFS-Web SL in Text Format Only

Tables, if any, included in description

SL forming part of the IA, no pages indicated, check for electronic file only (SEQ.TXT)

IX	Check list	Number of sheets	Electronic file(s) attached
IX-1	Request (including declaration sheets)	4	✓
IX-2	Description	27	_
IX-3	Claims	3	_
IX-4	Abstract	1	/
IX-5	Drawings	4	_
IX-6a	Sequence listing part of the description (also to be used for the purposes of international search)	-	→ ✓
IX-7	TOTAL	39	
	Accompanying Items	Paper document(s) attached	Electronic file(s) attached
IX-8	Fee calculation sheet	✓ /	-

Not required to check accompanying items for SL not forming part of the IA (CRF - SEQ.TXT); however, no problem if checked

No 13ter stmt needed – same file that forms part of the IA



PCT/RO/101 — Checklist EFS-Web SL in PDF and Text Formats

	Box No. IX CHECK LIST for EFS-Web fili	ings - this	sheet is only to be used when filing an international application with RO/US via EFS-We	b
	contains the following:	iumber f sheets	This international application is accompanied by the Number following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	IA + EEC \A/
	(a) request form PCT/RO/101 (including any declarations and supplemental sheets) :	3	fee calculation sheet	
Tables, if any,	(b) description (excluding any sequence listing part of the description, see (f), below)	▶ 30	3. □ original general power of attorney	
included in description	(c) claims	5	5. statement explaining lack of signature ::	
·	(d) abstract	1	6. priority document(s) identified in Box No. VI as item(s)	
SL forming	(e) drawings (if any)	10	7. ☐ Translation of international application into (language): :	
part of the IA	description in the form of an image file (e.g. PDF) :	250	separate indications concerning deposited microorganism or other biological material	
In PDF format (SEQLIST)	Total number of sheets (including the sequence listing part of the description if filed as an image file)	299	9. (only where item (f) is marked in the left column) copy of the sequence listing in electronic form (Annex C/ST.25 text file) not forming part of the international application but furnished only for the purposes of	of the IA (CRF) (SEQ.TXT) only where (f) is
	(g) sequence listing part of the description		international search under Rule 13ter 10. (only where item (f) is marked in the left column) 13ter	marked on the left,
These boxes SHOULD NOT be checked –	filed in the form of an Annex C/ST.2 file	5 text	a statement confirming that "the information recorded in electronic form submitted under	i.e., a PDF SL part of
they are only for a text SL part of the IA	☐ WILL BE filed separately on physical carrier(s), on the same day and in the of an Annex C/ST.25 text file		Rule 13ter is identical to the sequence listing as contained in the international application" as filed via EFS-Web:	the IA
September 2011	Indicate type and number of physical data carrier(s)		11. copy of results of earlier search(es) (Rule 12bis.1(a)) : 12. other (specify):	
	Figure of the drawings which should accompany the abstract:		Language of filing of the international application: English] 13



ΙY

Chack list

SAFE Request – Checklist **EFS-Web SL in PDF and Text Formats**

number of cheets

electronic file(s) attached

Tables, if any, included in • description

SL forming part of the IA indicated separately (SEQLIST)

IX	Check list	number of sheets	electronic file(s) attached	
IX-1	Request (including declaration sheets)	3	✓	
IX-2	Description (excluding sequence listing part)	30	-	
17-2	Claims	5	-	
IX-4	Abstract	1	√	
IX-5	Drawings	10	-	Note there is no
IX-7a	Sub-total number of sheets	49		check for an
IX-6	Sequence listing part of the description	250	- 1	electronic file
IX-7	TOTAL	299		
	Accompanying Items	paper document(s) attached	electronic file(s) attached	
IX-8	Fee calculation sheet	✓	-	
IX-16	Sequence listing in electronic form (Annex C/ST.25 text file) furnished only for the purposes of international search under Rule 13ter	-	1 other ←	SL not forming part of the IA (CRF - SEQ.TXT)
IX-18	PCT-SAFE physical media	-	✓	
IX-19	other	statement as to identity of copy/ copies with the sequence listing part of the description	13ter statement	
IX-20	Figure of the drawings which should accompany the abstract	1		
IX-21	Language of filing of the international application	English		14

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PCT/RO/101 - Checklist Paper

	Box No. IX CHECK LIST for PAP	ER filings – t	his sheet is only to be used when filing an international application on PAPER	
	This international application contains the following:	Number of sheets	This international application is accompanied by the Number following item(s) (mark the applicable check-boxes below of items and indicate in right column the number of each item):	Paper IAs
Tables, if any included in description	(a) request form PCT/RO/101 (including any declarations and supplemental sheets)	7	1. ☑ fee calculation sheet	
	description, see (f), below)	16 2 1	_	SL not forming part of the IA (CRF - SEQ.TXT)
SL forming part of the IA indicated	(e) drawings (if any)	450	physical data carrier(s) of the sequence listing, not forming part of the international application, which is furnished only for the purposes of international search under Rule 13ter (type and number of physical data carriers)	
separately (SEQLIST)	Total number of sheets :	494	recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application" as filed on paper	
eptember 2011			11. ☐ copy of results of earlier search(es) (Rule 12bis.1(a)) : 12. ☐ other (specify):	
	Figure of the drawings which should accompany the abstract:	1	Language of filing of the English international application:	1

15



SAFE Request – Checklist Paper

PAPER09-07-0

IX

PCT REQUEST

Check list

3/4

Paper Copy (NOT for submission)

number of sheets

electronic file(s) attached

Tables, if any included in description

SL forming part of the IA indicated separately (SEQLIST)

17	CHECK list	number of sneets	electronic file(s) attached
IX-1	Request (including declaration sheets)	4	✓
IX-2	Description (excluding sequence listing part)	30	-
IX-3	Claims	5	-
IX-4	Abstract	1	✓
IX-5	Drawings	10	-
IX-7a	Sub-total number of sheets	50	
IX-6	Sequence listing part of the description	250	-
IX-7	TOTAL	300	
	Accompanying Items	paper document(s) attached	electronic file(s) attached
IX-8	Fee calculation sheet	✓	-
IX-16	Sequence listing in electronic form (Annex C/ST.25 text file) furnished only for the purposes of international search under Rule 13ter	-	1 CD-ROM
IX-18	PCT-SAFE physical media	-	✓
IX-19	other	statement as to identity of copy/ copies with the sequence listing part of the description	13ter statement
IX-20	Figure of the drawings which should accompany the abstract	1	
IX-21	Language of filing of the international application	English	

SL not forming part of the IA (CRF - SEQ.TXT)

September 2011



Invitation to Furnish Sequence Listing

- The International Searching Authority (ISA) issues Form PCT/ISA/225 when
 - Paper or PDF SL forming part of the IA is provided with a text SL search tool,
 but no statement of identity under PCT Rule 13ter
 - Paper or PDF SL forming part of the IA is provided, but no text SL search tool
 - Sequences are disclosed in the IA, but no SL forming part of the IA or text SL search tool is provided
 - » ISA/US no longer requests a "paper" SL in the PCT/ISA/225
 - Text SL search tool is provided, but does not comply with PCT Administrative Instructions Annex C
 - » E.g., incorrect entries in a particular numeric identifier
 - » E.g., disclosed sequences not identified by SEQ ID NO and/or not all disclosed sequences are contained in the SL
 - » Transaction History tab in PAIR: Computer Readable Form Defective



SL filed after the International Filing Date

- A SL filed after the IFD, but during Chapter I, e.g., in response to a PCT/ISA/225, is NOT considered part of the IA
 - Narrow exception under PCT Rule 20.6 for a limited time period, where if the SL is completely contained in an earlier application to which priority is claimed on the IFD, the SL may be successfully incorporated by reference
 - » Not effective in all Designated/Elected Offices (DO/EO)
- A SL filed during Chapter II may be considered part of the IA
 (a determination is made as to whether the SL contains new matter)
 - By the International Preliminary Examining Authority (IPEA)
 - By the Designated/Elected Office (DO/EO)
 - Where it is provided as an amendment under PCT Article 34 (together with/after the filing a Demand)
 - The decision of the IPEA is not binding on any DO/EO
 - » The SL may be considered to contain new matter in some national/regional Offices



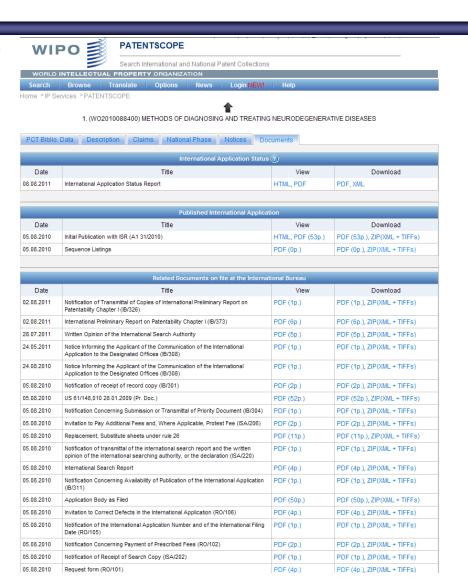
Historical Reference for the Publication of SLs in IAs

- SLs forming part of the IA
 - Originally an integral part of the published pamphlet in paper
 - Currently, published on PatentScope
 http://www.wipo.int/patentscope/search/en/search.jsf
 as a line item under Published International Application, but separate from the published pamphlet
 - » Includes paper, PDF, and text formats
- SLs not forming part of the IA
 - Originally NOT made publicly available
 - Eventually, made available on PatentScope, as a line item under Related
 Documents on file at the International Bureau
 - As of 01 July 2009, the PCT Als specify the ISA shall provide the SL to the IB
 if furnished in electronic form for search



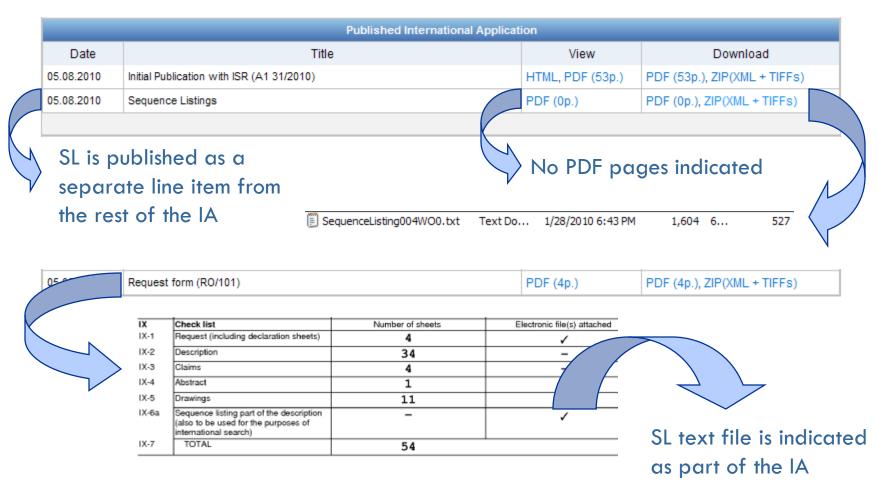
PatentScope

http://www.wipo.int/patentscope/search/en/search.jsf



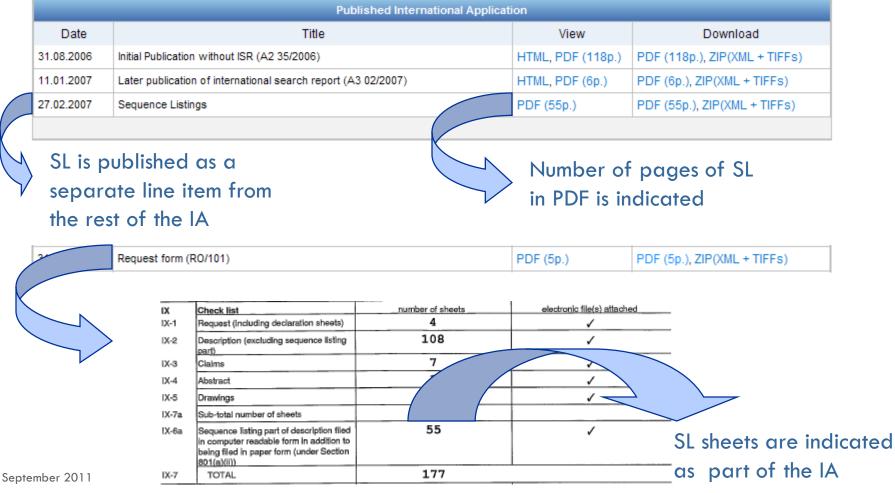


Published International Application with SL in Text Format





Published International Application with SL in PDF Format





Publication of SLs Provided by ISA to IB

SL is published under "Related Documents"

SL is indicated as "not part of IA"

No PDF pages of SL ZIP file only

	Related Documents on file at the Internat	ional Bureau	
Date	Title	View	Download
18.08.2011	Notification Concerning Submission or Transmittal of Priority Document (IB/304)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Notification of Receipt of Search Copy (ISA/202)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Cover Letter	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Sequence listing only for the purposes of international search (not part of IA)	PDF (0p.)	PDF (0p.), ZIP(XML + TIFFs)
18.08.2011	Notification of receipt of record copy (IB/301)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Power of Attorney	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
IDave	Notification of the International Application and of the International Filing Date (RO/105)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Notification Concerning Availability of Publication of the International Application (IB/311)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Power of Attorney	PDF (7p.)	PDF (7p.), ZIP(XML + TIFFs)
18.08.2011	Applicant Correspondence	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Application Body as Filed	PDF (103p.)	PDF (103p.), ZIP(XML + TIFFs)
18.08.2011	US 61/302,636 09.02.2010 (Pr. Doc.)	PDF (67p.)	PDF (67p.), ZIP(XML + TIFFs)
18.08.2011	Article 17.2a (ISA/203)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Notification of transmittal of the international search report and the written opinion of the international searching authority, or the declaration (ISA/220)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Notification Concerning Payment of Prescribed Fees (RO/102)	PDF (2p.)	PDF (2p.), ZIP(XML + TIFFs)
18.08.2011	Notification Relating to Declaration Made Under PCT Rule 4.17 (IB/371)	PDF (1p.)	PDF (1p.), ZIP(XML + TIFFs)
18.08.2011	Request form (RO/101)	PDF (6p.)	PDF (6p.), ZIP(XML + TIFFs)



SLs in National Stage Applications filed under 35 USC 371

- 37 C.F.R. §1.821(c) specifies that a patent application containing disclosure of nucleotide and/or amino sequences must contain a sequence listing as part of the application
- 37 C.F.R. §1.821(e) specifies that a copy of the SL referred to in paragraph (c) must also be submitted in computer readable form (CRF)
- PCT Article 20 specifies that the IA shall be communicated to each designated Office (DO)
 - Should include any SL that forms part of the IA
 - A SL in electronic form that does not form part of the IA (CRF) is not communicated by the IB to the DO



Entry of an IA Containing a SL into National Stage under 35 USC 371 (1)

- Originally, the paper copy of the SL forming part of the IA was provided to the DO as part of the published pamphlet
 - Applicant was invited to provide the CRF, if not provided upon entry
- Currently a SL published as a line item separate from the pamphlet is not communicated/received with regularity
 - Applies to paper, PDF, and text copies of the SL
 - Applicant is invited to provide both the SL forming part of the IA, as well as the CRF, if not provided upon entry
- USPTO is taking steps to electronically retrieve the SL part of the IA from the IB
 - PDF copies of the SL are directly uploaded into IFW
 - The text copies of the SL must be manually uploaded into the SCORE database
 - " currently, the text copy is transferred into SCORE by exception processing
 - » eventually, it is envisioned that the text copy will be transferred into SCORE automatically
 - Once the electronic process is finalized, applicants will be notified



Entry of an IA Containing a SL into National Stage under 35 USC 371 (2)

- Best practice (until further notice)
 - Provide the SL upon National Stage entry
 - File via EFS-Web, with one SL file in text format only
 - » Regardless of the format in which the SL was originally filed in the IA
 - » SL text file serves both as part of the appln and as the CRF
 - Where the SL did not form part of the IA, it must be filed as an amendment in the national stage
 - » No statement of identity is required
 - » SL text file is excluded when determining the appln size fee
 - The specification should be amended to include a statement in a separate paragraph that incorporates by reference the SL text file
 - As specified in the Legal Framework for EFS-Web
 http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp



SL File to be Submitted as Best Practice upon National Stage Entry (1)

- A text copy of any SL provided on the IFD, if that SL is the only copy filed during the international stage
 - Even if the SL was originally provided only in paper or PDF format

Or

- A text copy of any SL provided after the IFD
 - During the international stage either in response to a PCT/ISA/225 or sua sponte
 - During the international stage as an amendment under PCT Article 34
 - Filed for the first time in the national stage
 - Should be filed as an amendment to the national stage appln together with
 - » Statement that the submission does not include any new matter
 - » Statement indicating support for the amendment in the application
 - » Statement provided in the specification in a separate paragraph that incorporates by reference the text file, identifying the name of the file, the date of creation, and size of the file in bytes

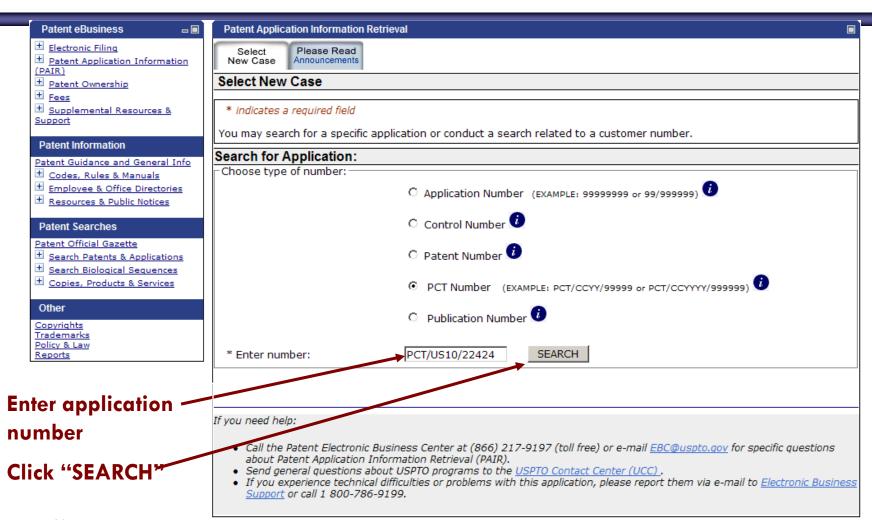


SL Text File to be Submitted as Best Practice upon National Stage Entry (2)

- From applicant's records, whenever available
- From Private or Public PAIR
 - When not available in applicant's records
 - If the SL text file was provided to the USPTO April 2007 or later
 - Retrieved via the Supplemental Content Tab
- From PatentScope (IB Web site)
 - Where a SL text file was provided
 - » As part of the IA
 -)) As a search tool to the ISA
- USPTO will update the SL text file to reflect the number and filing date for the national stage application



Downloading SL Text File From PAIR (1)





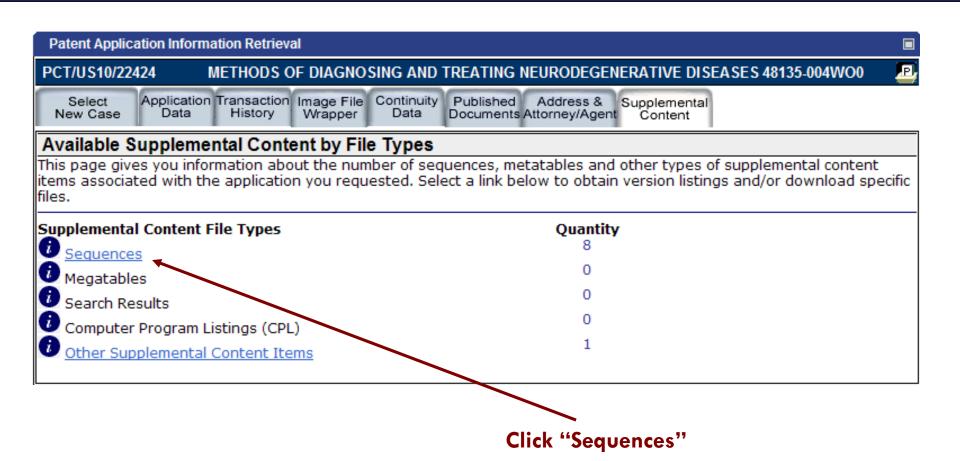
Downloading SL Text File From PAIR (2)

Patent Application Infor	rmation Retrieval		
PCT/US10/22424	METHODS OF DIAGNOSING AND TREAT	ING NEURODEGENERATIV	E DISEASES 48135-004WO0
Select Application New Case Data	on Transaction Image File Continuity Publis History Wrapper Data Docum	hed Address & Supplements Attorney/Agent Conte	
Bibliographic Data	l		
Application Number:	PCT/US10/22424	Customer Number:	-
Int'l. Filing Date:	01-28-2010	Status.	PCT - International Search Report Mailed to IB
Application Type:	PCT	Status Date:	06-09-2010
Examiner Name:	-	Location:	-
Group Art Unit:	-	Location Date:	-
Confirmation Number:	8869	WIPO Publication No.:	WO 2010/088400
Attorney Docket Number:	48135-004WO0	WIPO Publication Date:	08-05-2010
Class / Subclass:	001/PCT.007	Patent Number:	-
First Named Inventor:	-	Issue Date of Patent:	-
Title of Invention:	METHODS OF DIAGNOSING	AND TREATING NEURODEG	ENERATIVE DISEASES

Click "Supplemental Content"

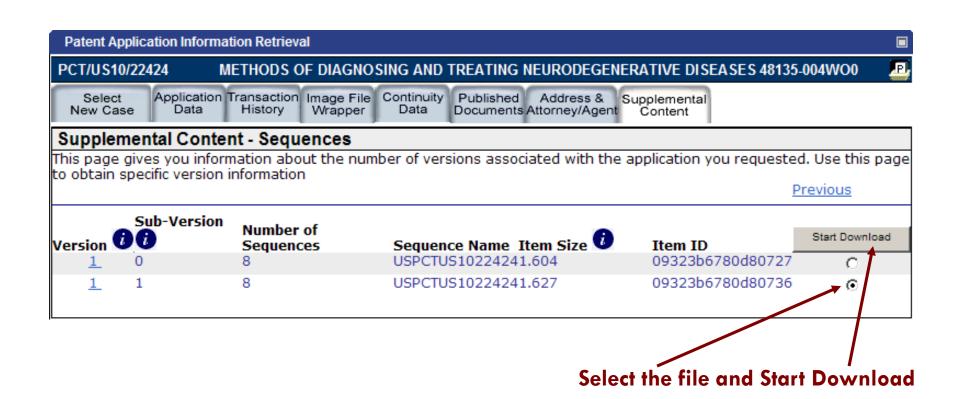


Downloading SL Text File From PAIR (3)





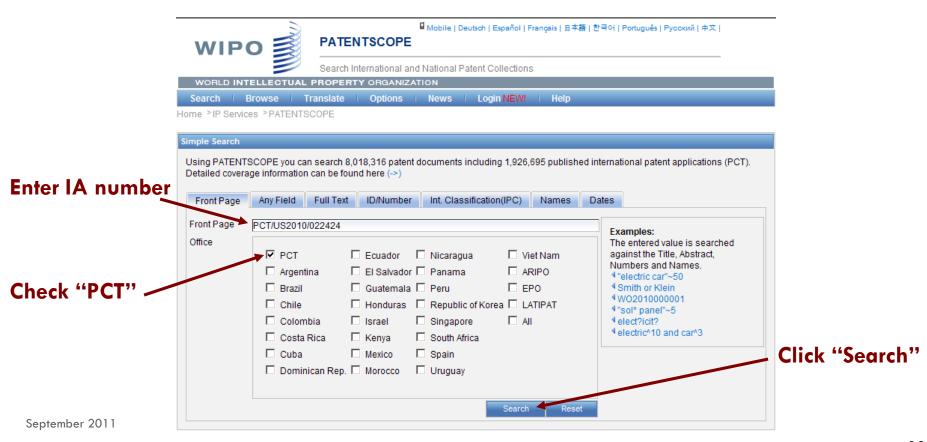
Downloading SL Text File From PAIR (4)





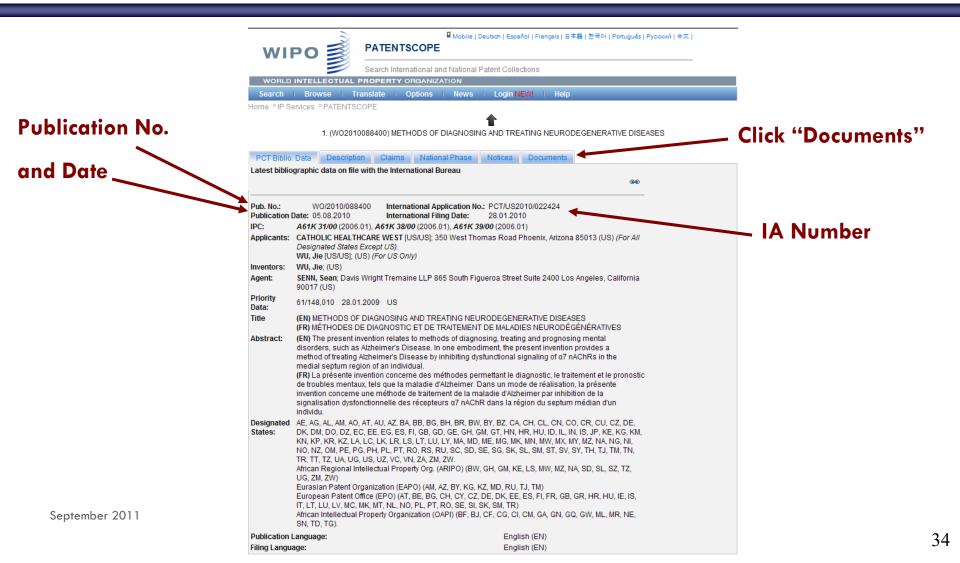
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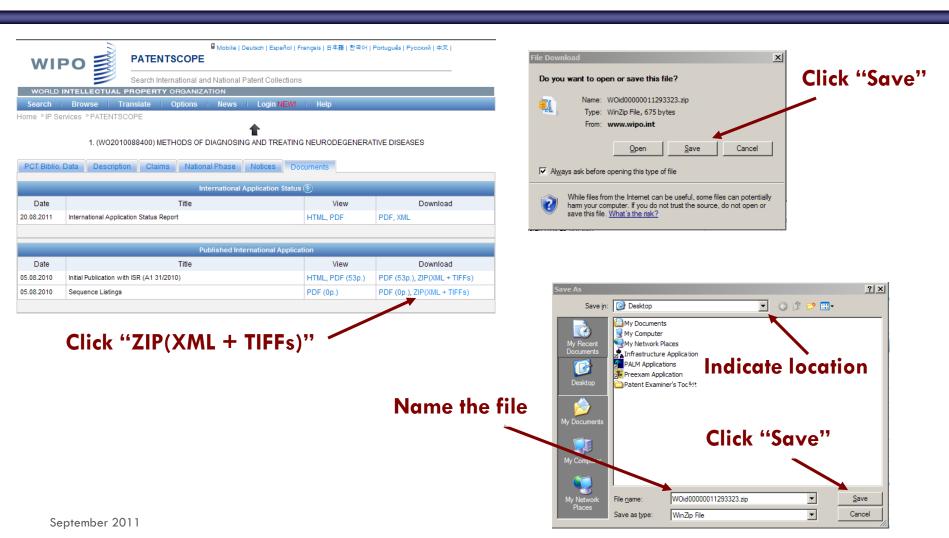


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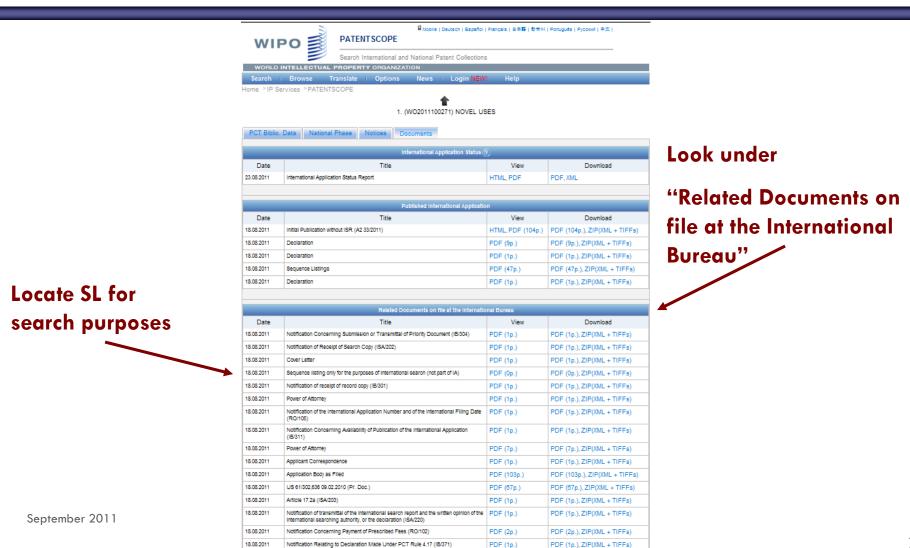


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Submitting a SL Text File in U.S. National Stage

At the time the national stage appln is submitted, the appln no. is not known; however, the USPTO will update the file to:

- insert the current appln no. and FD, and

- change the 140/141 to 150/151

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SEQUENCE LISTING
      CATHOLIC HEALTHCARE WEST
       WU, Jie
      METHODS OF DIAGNOSING AND TREATING NEURODEGENERATIVE DISEASES
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                                                                        45
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Editing a SL Text File

- Best Practice
 - Open "Project File" from Patentln or other software, and save as a new project
- Original file not available
 - Open in a text editor that produces files **only** in ASCII format
 - » Such as NotePad or an equivalent software
 - NOT recommended to use word processing software that produces files in ASCII as well as non-ASCII formats
 - » Such as WORD, WordPad, or Word Perfect



Transfer Requests under 37 CFR 1.821(e)

- Introduced with sequence rules that became effective in 1990
 - Removed the need to reproduce the CRF when original was not available to the filer
- 37 C.F.R. §1.821(e) provides for "transfer" of a compliant CRF
 - From another application on file in the Office to a new application
 - Where the CRF of a new application is to be identical
 - The other application and CRF must be completely identified
 - Applicant must state that the CRF from the other application is identical to the paper (or PDF equivalent) or CD copy (under 37 C.F.R. §1.52(e)) of the SL contained in the new application
 - » i.e., the new application must itself contain a SL that forms part of the application



Transfer Request Form

- PTO/SB/93
- Available at: http://www.uspto.gov/forms/ index.jsp#startforms

RE	QL		FER OF A CO IDER 37 CFR		READABLE FORM
Application No.:	Т		First Named Inventor:		
Filing Date:	Т		Attorney Docket No.:		
Title of the Invention:					
The sequer	nce	information in the paper	copy or PDF file o	of the Sequen	ce Listing filed:
	п	herewith:			
	_	as part of the originally	filed specification	of this applic	ation;
1	Ц	as a separate amendm	ent flied on	;	
for th	e at	ove identified applicatio	n, is identical to th	e sequence l	information in the
		only			
		last filed			
		other (specify second, t	hird, fourth, etc.)		
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Example of a Proper Transfer Request

- An IA was filed with the RO/US and includes
 - A SL in paper or PDF format as part of the IA
 - A compliant CRF
- The IA enters national stage under 35 U.S.C. §371
 - A PDF copy of the SL forming part of the application is contained in IFW of the 371
 - >> From the IB, or
 - » Provided by Applicant
 - Applicant requests transfer of the compliant CRF from the IA into the 371
 - » The IA and CRF are completely identified
 - Statement is provided that the CRF from the IA is identical to the PDF copy of the SL contained in the 371



Example of an Improper Transfer Request

- An IA was filed with the RO/US via EFS-Web and includes
 - A compliant SL text file, which serves as part of the IA and as the CRF
- A new Con, CIP, or Div of the IA is filed with NO SL
 - Together with a request to transfer the compliant CRF from the IA
- PROBLEMS
 - Transfer requests are effective ONLY for transfer of the compliant
 CRF, NOT the SL part of the application
 - Applicant CANNOT state that the CRF from the other appln is
 identical to the paper copy of the SL contained in the new appln,
 since the new appln was filed with NO SL part of the application
 - Request will not be granted



Reasons to Provide the SL Text File Rather Than Requesting Transfer

- Transfer request
 - A paper or PDF copy of SL part of the new appln must be provided
 - » Statement of identity is required
 - Paper or PDF copy is included when determining the appln size fee
 - The other application and the CRF must be completely identified
 - Could introduce delay where all requirements are not met
- Provision of a SL text file by applicant
 - Serves both as part of the appln and as the CRF
 - » No statement of identity is required
 - SL text file is not included when determining the appln size fee
 - SL text file can be easily uploaded from applicant's records or retrieved from PAIR or PatentScope for upload into EFS-Web



Revision of WIPO ST.25

Standard for the Presentation of Nucleotide and Amino Acids Sequence Listings in Patent Applications

- ST.25 became effective in 1998, has not been revised since
- Committee on WIPO Standards (CWS) established a Task Force in October 2010 to revise ST.25
 - European Patent Office (EPO) designated as Task Force Leader
 - Work of the Task Force accomplished via a Wiki on the WIPO Web site
 - » Access restricted to Task Force members only
 - Each Office designated 1 or 2 persons to participate in the Task Force
 - » USPTO has 2 people on the Task Force and a team of people working on the standard
- Proposed revision is both technical and substantive
 - New standard will be based on XML
 - » DTD vs. Schema under discussion
 - Substantive changes under discussion
- Expect to adopt the new standard at CWS in November 2012
 - Effective date and transition provisions have not yet been discussed



Public Involvement in the Revision Process

- The SL Task Force Wiki is not publicly accessible
- USPTO plans to issue a Federal Register Notice to
 - Make publicly available the most recent versions of the main body of the standard and its annexes
 - Request comment on various aspects of the standard



Thank You!

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September 2011 47