

MANUAL OF  
**PATENT**  
**EXAMINING**  
**PROCEDURE**

ORIGINAL EDITION



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

REEL NUMBER 2

BOOK NUMBERS 14

**U. S. DEPARTMENT OF COMMERCE**

**Patent Office**

**Washington**

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Third Edition**

**Supplemental Instructions Regarding Revision No. 1**

The attached revised pages are to be substituted for those in the Manual having corresponding page numbers. The list of the attached Revision Notice No. 1 is to be checked to make certain that the set of pages received is complete.

Information and instructions published in Change Notices 1 - 1 through 1 - 19 have been included in these revised pages. Accordingly, these Change Notices should be removed and discarded. However, those of the 2-1, and 2-2 series should be retained.

**Ernest A. Faller**  
Editor, MPEP

Important changes in procedure appear in the following sections:

- 604.01 States not requiring Notary's Seal
- 608.02(a) New Drawing Requirements in Allowable Cases
- 608.02(c) Drawing (or Print) Available for Interference Search
- 707.05(e) Citation of Publications
- 707.07 Specification Differs from Art Terminology
- 708.01 "Special" Cases
- 710.02(b) Shortened Period Situations
- 711.04(b) Ordering Abandoned Files
- 901.05(b) Citation of Foreign Patents
- 901.05(d) Translator's Services at Examiner's Desk
- 901.06(a) Alternate Versions of Foreign Patent - Assistance by Library
- 903.03 Classification of Foreign Patents
- 903.07(b) Issuing Patent in another Group - Prints Forwarded Promptly
- 903.08(a) Transferring New Applications
- 1002.02 Handling of Petitions
- 1004 Actions Submitted to Directors
- 1005 Actions Submitted to Group Supervisory Examiners
- 1101.01 Defer Interference Until One Case Allowable
- 1101.01(b) Applicants of Commonly Assigned Cases Notified of Interference Election
- 1101.02 Interference with Patent - Broadest Claim to be a Count

(over)

- 1101.02(a) Patent Claims Copied - More Complete Affidavit Required**
- 1105.06 Decisions on Interference Motions - Use of Soft Copies**
- 1112.08 Avoid Reference to Patent Claims in letter under Rule 237**
- 1302.06 "None" entered on File Wrapper if No Foreign Priority**
- 1302.09 "None" entered on File Wrapper if No Parent Case**
- 1302.12 German Allowed Applications listed under "Other References"**
- 1308.01 Action Following Quality Control Review**

U.S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington

MANUAL OF PATENT EXAMINING PROCEDURE

Third Edition

Instructions Regarding Revision No. 2

The attached revised pages are to be substituted for those in the Manual having corresponding page numbers. The page numbers are listed on the reverse of this page to provide a means for determining that your set is complete.

Information and instructions published in Change Notices 2-1 through 2-10 have been included in these revised pages. Accordingly, these Change Notices should be removed and discarded.

ERNEST A. FALLER  
*Editor, MPEP*

Your attention is especially directed to the changes referred to below:

107.01	Security Cases
201.11	Reference to Parent Case
201.14(b)	Reissue—Foreign Priority Claim
202.03	Serial Number of Foreign Priority Application (and Patent)
408	Telephoning Attorney
602	Declaration in Lieu of Application Oath
604.01	Rubber Stamped "Seal"
608.02(a)	Protoprint in Lieu of Formal Drawing—Comparison Charge
706.02	Reference Entitled to Foreign Filing Date
706.07(a)	Final Rejection
706.07(e)	Amendment after Final—Rule 116(b)
707.05	References Cited by Applicant
707.07(d)	Language Used in Rejections—Suggesting Amendments
708	Order of Examination
710.02(b)	Shortened Statutory Periods
710.05	Friday before Holiday a "Mail Date"
710.06	Incorrect Citation—Time for Response
713.01	Examiner Suggests Interview—Interview after Final
714.12	Extra Copy of Extensively Amended Claim
714.16	Trivial Rule 312 Amendments
714.20}	Examiner writes "Do not enter" in ink
714.23}	
904	Extent of First Search
1002	Prompt (60 days) Filing of Rule 181 Petitions
1101.02	Interference with Patent—Documentary Evidence by Junior Applicant
1206	Appeal Conference
1302.12	Listing of References

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF PATENT AND TRADEMARKS  
MANUAL OF PATENT AND TRADEMARKS  
List of Replacement Pages

<b>Title page</b>			
<b>3</b>	<b>51</b>	<b>101</b>	<b>191</b>
<b>5</b>	<b>52.1</b>	<b>103</b>	<b>192.1</b>
<b>7</b>	<b>55</b>	<b>107</b>	<b>199</b>
<b>9</b>	<b>57</b>	<b>108.1</b>	<b>209</b>
<b>10.1</b>	<b>65</b>	<b>113</b>	<b>211</b>
<b>11</b>	<b>67</b>	<b>117</b>	<b>213</b>
<b>12.1</b>	<b>69</b>	<b>127</b>	<b>217</b>
<b>15</b>	<b>75</b>	<b>135</b>	<b>219</b>
<b>19</b>	<b>77</b>	<b>155</b>	<b>225</b>
<b>25</b>	<b>79</b>	<b>156.1</b>	<b>227</b>
<b>26.1</b>	<b>81</b>	<b>159</b>	<b>233</b>
<b>31</b>	<b>83</b>	<b>161</b>	<b>235</b>
<b>33</b>	<b>85</b>	<b>165</b>	<b>236.1</b>
<b>34.1</b>	<b>87</b>	<b>109</b>	<b>243</b>
<b>35</b>	<b>89</b>	<b>171</b>	<b>247</b>
<b>37</b>	<b>91</b>	<b>172.1</b>	<b>249</b>
<b>38.1</b>	<b>93</b>	<b>175</b>	<b>251</b>
<b>45</b>	<b>95</b>	<b>176.1</b>	<b>253</b>
<b>49</b>	<b>97</b>	<b>185</b>	<b>257</b>
	<b>99</b>	<b>189</b>	<b>275</b>

U.S. DEPARTMENT OF COMMERCE  
PATENT OFFICE  
WASHINGTON, D.C. 20231

MANUAL OF PATENT EXAMINING PROCEDURE  
Third Edition

Instructions Regarding Revision No. 3

The attached revised pages are to be substituted for those in the Manual having corresponding page numbers. A list is provided on the reverse side and may be checked to make certain that the set of pages received is complete.

Information and instructions published in Change Notices 2 - 11 through 2 - 18 have been included in these revised pages. Accordingly, these Change Notices should be removed and discarded.

Ernest A. Faller  
Editor, MPEP

Important changes in procedure appear in the following sections:

102	Status Information
707.03	Sample Office Action
707.05 (a)	Numerical Listing of References
707.05 (e)	Specify Portion of Foreign Patent which is Relied Upon.
707.08	Negotiation Authority Indicated in Office Action
711.06	Publication of Abbreviations
901.05 (a)	Citation Date for U.S.S.R. patent
901.05 (b)	Netherlands Printed Applications
905.01	Orders for Photocopies
1101.02	Interference with Patent -- Rule 204 (c)

1302.04 }  
1302.12 }

Examiner's Amendment not to be Used to  
Cite Reference not to Correct Citation

Appendix III contains selected form paragraphs.

List of Replacement Pages

Title Page

3	251	
26.1	255-1	} Comprise Appendix III
61	255-3	
77	255-5	
79		
81		
85		
95		
96.1		
99		
135		
137		
139		
155		
171		
193		
199		
221		
225		
249		

**U. S. DEPARTMENT OF COMMERCE**  
**Patent Office**  
**Washington**  
**MANUAL OF PATENT EXAMINING PROCEDURE**  
**Instructions Regarding Revision No. 4**

The attached revised pages are to be substituted for those in the Manual having corresponding page numbers. The page numbers listed on the reverse of this page provide a means for determining that your set is complete.

Information and instructions published in Change Notice 2 - 19, 2 - 20, 2 - 21 and 2 - 23 through 2 - 31 have been included in these revised pages. Accordingly, these Change Notices should be removed and discarded.

Ernest A. Faller  
Editor, MPEP

Your attention is especially directed to:

- 602.04(a) Declaration in Lieu of Oath  
-- Ribboning of Papers Unnecessary
- 608.02(x) Drawing Correction -- OG Figure
- 702.01 "Foreign Type" Case
- 706.07(b) Final Rejection on First Action
- 713.01 Federal Telecommunications System
- 714.01 Attorney's Telephone Number on Amendments
- 714.09 Rule 147 Application -- Preliminary  
Amendment
- 714.10 Claims (Exceeding Filing Fee) Added Before  
First Action
- 903.07 } Resubmission for Classification
- 903.08(a) }
- 905.02 Automatic Furnishing of Soft Copies
- 1002 Effect of Rule 181 Petition on Period for  
Response
- 1208 Appeal to Board -- Leave All Soft Copies in  
File

(Over)

U. S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington  
MANUAL OF PATENT EXAMINING PROCEDURE  
Publication: Revised Edition, 1964

List of Replacement Pages

Title Page	
	95
34.1	97
35	101
41	105
47	107
49	145
53	147
57	151
59	153
63	156.1
75	159
79	189
81	211
85	251

**U. S. DEPARTMENT OF COMMERCE**  
**Patent Office**  
**Washington**  
**MANUAL OF PATENT EXAMINING PROCEDURE**  
**Instructions Regarding Revision No. 5**

The attached revised pages are to be substituted for those in the Manual having corresponding page numbers. Chapter 1100 has been replaced as a unit because of the extensive changes in interference practice based on new Rules of Practice effective July 1, 1965.

Former Chapter 1100 should NOT be discarded. It should be transferred to the back of the Manual and will continue to govern interferences declared prior to July 1, 1965. Change Notice 2 - 22 dealing with hearings on motions should be retained and will be in force with respect to such interferences.

Change Notices 5 - 1 and 5 - 2 should be discarded. In 1101.03, the text differs from 5 - 2 with respect to the sealing of affidavits.

**Ernest A. Faller**  
**Editor, MPEP**

The page numbers listed on the reverse of this sheet provide a means for determining that your set is complete.

(Over)

U. S. DEPARTMENT OF COMMERCE  
 Patent Office  
 Washington  
 MANUAL OF PATENT EXAMINING PROCEDURE  
 Instructions Regarding Revision No. 5

**List of Replacement Pages**

**Title Page**

	<b>5</b>		<b>185</b>
The revised pages are to be substituted for those in the Manual having	<b>69</b>	the original pages numbered 185 through 187.	<b>187</b>
Chapter 100 has been replaced as a result of changes in	<b>77</b>	the Manual.	<b>189*</b>
the Manual.	<b>101</b>	The original pages numbered 189 through 193	<b>193</b>
have been replaced as a result of changes in the Manual.	<b>163</b>	The original pages numbered 193 through 195	<b>195</b>
have been replaced as a result of changes in the Manual.	<b>165</b>	The original pages numbered 195 through 197	<b>197</b>
Chapter 100 should be deleted. It should be transferred to	<b>167</b>	Chapter 100.	<b>199</b>
the Manual and all references therein should be changed prior to	<b>169</b>	the publication of this Manual.	<b>201</b>
Chapter 100 should be deleted. It should be transferred to	<b>171</b>	Chapter 100.	<b>203</b>
the Manual and all references therein should be changed prior to	<b>173</b>	the publication of this Manual.	<b>205*</b>
the Manual.	<b>175</b>	The original pages numbered 205 through 251	<b>251</b>
Chapter 100 should be deleted. It should be transferred to	<b>177</b>	Chapter 100.	<b>273</b>
the Manual and all references therein should be changed prior to	<b>179</b>	the publication of this Manual.	<b>283</b>
the Manual.	<b>181</b>	The original pages numbered 283 through 285	<b>285</b>
Chapter 100 should be deleted. It should be transferred to	<b>183</b>	Chapter 100.	

\* Reverse side blank

U.S. DEPARTMENT OF COMMERCE

PATENT OFFICE

WASHINGTON, D.C. 20531

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Instructions Regarding Revision No. 6**

Submitted herewith is Revision No. 6 of the Manual of Patent Examining Procedure, Third Edition.

The revised pages are to be substituted for those in the Manual having corresponding page numbers.

This revision incorporates certain revised practices embodied in Change Notices 5-3 and 6-1 through 6-5, as well as certain changes in the Rules of Practice and changes in the Statutes. Note should be made of pages which reproduce or refer to the new Rules and Statutes, for the pages superseded thereby may still be pertinent to applications filed before October 25, 1965.

For the guidance of all users of the Manual the changes are recapitulated as follows:

The term "final fee" has been changed to -- issue fee -- on those pages where other changes have been made. See 203.04 (page 19) and 307 (page 22). These are exemplary only. A new page has not been reproduced where this changed term would constitute the only change to be made. The words "examining divisions," "supervisory examiner" and "principal examiner" have been changed to -- examining groups --, -- Group Manager -- and -- Supervisory Primary Examiner --, respectively, on those pages where other changes have been incorporated. See 203.08 (page 20), 707.02 (page 77) and 707.02 (a) (page 77), for example. See also 1005. A new page has not been reproduced where a single term or designation of this nature would constitute the only change to be made.

203.07 has been rewritten in line with the new issue fee provisions affecting allowed applications which became effective October 25, 1965. 203.08 has been revised to indicate the modified handling of "status letters" and to set forth in the last paragraph an additional type of inquiry relating to pending applications. 304 has been corrected to remove an obvious typographical error in the heading.

602.03 has been rewritten in its entirety to incorporate the substance of the Notice of July 22, 1965, (Series No. 6-1). 607 and 607.01 have been modified in accordance with the new law effective October 25, 1965. 608.02 (i), 608.02 (k) and 608.02 (l) have been modified to set forth the procedure for transferring drawings between applications, in accordance with the Notice of September 9, 1965. 706.03 (n) now includes a further instruction where "new matter" may be involved, as contained in the Notice of August 13, 1965. 706.07 (e) sets forth current practice following final rejections as contained in the Notice of August 11, 1965. 707.02 now specifies certain Examiner's Answers on appeal in the list of actions which require the attention of the Primary Examiner. 710.02 (b) lists the shortened periods for response to be set in different types of office actions in accordance with the current practice.

712 has been rewritten to set forth new Rules 316 and 317 and to explain further the status of an application which has become abandoned for failure to pay the issue fee. 713.01, 713.05 and 713.09 have been substantially expanded to reflect the present practice in the conduct of interviews in the general case, in special situations, after final rejection and after issue.

714.02 adds the substance of the Notice of August 13, 1965 and a further instruction in facilitating the prosecution. 714.10 states the effect of the new fee law in submitting excess claims. A new first paragraph has been added to 715.01 relating to the effective date of a U. S. patent, especially as applicable to a Rule 131 situation. 717.03 explains the advantage in maintaining certain pencil notes on the drawing and file wrapper. (Notice of July 22, 1965, Series No. 6-2).

903.07 adds the substance of the Notice of June 18, 1965, relating to the processing of applications being passed to issue. 1005 has been revised by eliminating one of the categories (old No. 2) and by adding a further explanatory paragraph. A revision has also been made in 1208.01 involving certain approval to be obtained in making a new rejection in the Examiner's Answer on appeal. 1302.04 adds the substance of the Notice of August 18, 1964, and also includes a change in the Examiner's Amendment practice. See also 1302.12. 1302.10 restates the portion relating to certain notations on drawings referred to in 717.03. The short

paragraph comprising 1302.13 has been revised. 1308 substitutes new Rule 313. 1308.02 has been eliminated and 1308.03 has been renumbered as 1308.02. The last paragraph of 1309.02 has been eliminated and the provision of the new fee law regarding issue fees for reissue applications is set forth. 1505 has been revised in accordance with new fee law.

Certain changes have also been made in the index pages, as well as in the "table of contents" pages at the beginning of certain chapters.

Within the size limitations of Revision No. 6, many pages have not been substituted which would contain solely changes of a minor nature or errors in typography which have come to the Editor's attention. It is anticipated that these will be embodied in subsequent revisions.

W. B. Penn, Editor  
Manual of Patent Examining Procedure

List of Replacement Pages

**Title Page  
Revision List**

19	102.1
21	107
35	113
41	151
43	161
53	213
55	213.1
61	221
71	223
75	225
77	227
89	233
95	237
97	251
99	271
101	285
	287

> 108.1

**U.S. DEPARTMENT OF COMMERCE  
PATENT OFFICE  
WASHINGTON, D.C. 20231**

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Errata Regarding Revision No. 6**

A corrected page 78 is hereby submitted to replace the one erroneously inserted in Revision No. 6.

New pages 108.1 and 113 are hereby submitted to remove the obvious printer's defect of carrying out the last three lines of former page 108 onto page 113.

In 706.07(a), line 14, "six" should be ---- four ----.

U.S. DEPARTMENT OF COMMERCE  
PATENT OFFICE  
WASHINGTON, D.C. 2051

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Instructions Regarding Revision No. 7**

Submitted herewith is the group of pages constituting Revision No. 7 of the Manual of Patent Examining Procedure, Third Edition. Proper substitution for those pages in the Manual having corresponding page numbers may be made forthwith.

This revision incorporates certain changes embodied in Notices and memoranda as indicated below.

For the guidance of all users of the Manual the changes may be recapitulated as follows:

In Chapter 200, the term "forfeited" has been superseded by the new terminology -- abandonment for failure to pay issue fee --- See the Chapter heading and 203.04 and 203.07.

In 201.06, fifth paragraph, and 201.11, page 10, column 2, certain exceptions are noted in the category of those applications which should be indicated as divisional and continuing applications.

In 608.01 (a) language has been clarified regarding dependent claims.

In 608.02 explanatory matter has been added to the paragraph "Illustration Subsequently Required." Also, a new paragraph "Waiving of Corrections" (Change Notice 7-3) has been added to this section. The text of 608.02 (b) has been rewritten. In 608.02 (x) the paragraph "New Drawings Prepared by Patent Office" has been rewritten to embody Change Notice 7-4.

Page 62, the heading 714.13 has been modified.

Page 65, "Supervisory Examiner" has been changed to --- Group Manager ---. Other changes of a similar nature have been made on appropriate pages where major revisions appear.

In 706.01 language has been clarified. In 706.02 (page 67) reference has been made to a pertinent decision of the U. S. Supreme Court.

In 706.03 (c) a new sentence has been added to the second paragraph of 35 U. S. C. 112 as approved July 24, 1965.

Page 79, a slight revision has been made in the sample letter.

The text has been slightly revised in 707.05.

In 708.02 the new Special Examining Procedure for Certain New Applications has been added.

Language changes appear in 708.03.

710.01 (a), 710.02, 710.02 (b) and 710.02 (c) have been modified to delineate more clearly the categories of time limit actions and actions in which Shortened Statutory Periods are set.

In 711.02 (c) final fee has been changed to --- issue fee ---. 711.03 and 711.03 (d) have been rewritten. Minor corrections have been made in 711.06 and 712.

In 714.13, reference is made to the new procedure to be followed in treating amendments after final.

901.05 (b) now incorporates the statement of the use of German Utility Models as references as noted in Change Notice 7-1.

Additional text material has been added to 1109 and 1109.01.

MANUAL OF PATENT EXAMINING PROCEDURE

1208 has been expanded to include the procedure to be followed in saving time in preparing the Examiner's Answer on appeal. Change Notice 7-2.

1302.04 has been revised to explain the procedure in citing references on allowance of an application (Change Notice 7-5).

1302.05 has been amplified by referring back to the new procedure 608.02.

1302.12 has been revised to explain more clearly the procedure in listing references at time of allowance. A sentence has been added to 1302.13.

Several index pages have also been modified in line with changes in the text.

The last change notice in Series 7 is Change Notice 7-5.

The Editor is cognizant of numerous other changes still to be made in matters of a minor nature and in matters involving perfecting language and improvement in typography, indexing and the like. It is anticipated that these will be incorporated in future revisions.

The cooperation of numerous professionals both in and out of the Office in recommending improvements on the Manual is noted with appreciation and is further solicited.

W. B. Penn, Editor  
Manual of Patent Examining Procedure

List of Replacement Pages

Title Page  
Revision List

7	102.1
9	139
19	193
47	194.1 (Added)
51	211
52.1 (Eliminated)	213 (Reverse side blank)
53	213.1
54.1 (Added)	221
57	223
61	225
65	226.1 (Added)
67	247
79	249
87	251
89	253
90.1 (Added)	257
93	261
95	269
	271

## MANUAL OF PATENT EXAMINING PROCEDURE

### Instructions Regarding Revision No. 8

Submitted herewith is Revision No. 8 of the Manual of Patent Examining Procedure, Third Edition. The accompanying pages may be inserted in the Manual forthwith to replace those pages having corresponding page numbers and as further indicated below.

For the guidance of all users of the Manual the following brief explanations are submitted:

201.07 headed "Continuation" now incorporates the Commissioner's Memorandum relating to the filing of "Continuation" applications using the same drawings and specification of the pending application.

Some modifications have been made in 710.02 (b) relating to Shortened Statutory Periods. Also, "One Month" has been changed to --- Thirty Days ---. 710.02 (c) now adds (f) and (g) time limit situations. 713.02 and 713.09 cross references are noted to other sections. 714.13 has been extensively revised to incorporate the new procedure in treating amendments after final action.

Page 117, new index heading 812.01 has been added to indicate the new paragraph on page 128 setting forth the telephone practice in restriction and election of species situations. 809 adds portions of the memorandum "Prosecution after Final Action" relating to handling of linking claims. 809.03 refers to 809. 813 and 817 have been extensively revised. The sample restriction letter on pages 130 - 131 has been deleted.

Page 159 has been corrected to refer to --- Group Managers ---. 1004 and 1005 have additional listings in the matters to be submitted to the Directors and Group Managers, respectively.

Chapter 1100 on Interference has been revised in several sections, e.g. 1101.01 (l) where the correct Rules are now noted; 1101.01 (o) where the last portion of the final portion has been rewritten; 1101.02 (a) where extensive additions have been made; 1101.02 (c) where paragraph (4) has been rewritten and also 1101.02 (f), 1101.01 (a), 1105.03 and 1107 where significant changes in text have been made. "Docket Branch" has been replaced by --- Interference Service Branch --- in several sections.

1207 has added thereto the current procedure in treating amendments after final action during the appeal and post-appeal stages. 1208.01, 1208.02 and 1214.07 have added text material.

1302.04 is now revised to incorporate the procedure set forth in the Notice of February 24, 1966 relating to Examiner's amendments to cite new references.

The Index has also been extensively revised in an attempt to bring it up to date. Numerous other changes are still to be made.

With this Revision the contents of all Change Notices from Series 1 through Series 8, insofar as they reflect current practice, are now incorporated in the text of the Manual. Accordingly, the Change Notice sheets Series 1 through 8 need no longer be appended to the Manual.

# MANUAL OF EXHIBIT EXAMINATION PROCEDURE

## List of Replacement Pages

### Title Page Revision List

9	176.1 (Added)
10.1	177
89	179
90.1	181
91	183
97	187
99	197
102.1	211
102.3 (Added)	213 (Reverse side blank)
117	213.1
125	217
127	221
129	223
131	257
132 (Blank)	259
159	271
161 (Reverse side blank)	273
169	283
171	285
173	287
175	

U.S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington

MANUAL OF PATENT EXAMINING PROCEDURE

Instructions Regarding Revision No. 9

Submitted herewith is the group of pages constituting Revision No. 9 of the Manual of Patent Examining Procedure, Third Edition. Proper substitution for those pages in the Manual having corresponding page numbers may be made forthwith. The page numbers listed on the reverse side of this page provide a means for determining that your set is complete.

Information and instructions published in Change Notice 9-1 have been included in these revised pages. Accordingly, this Change Notice needs no longer be appended to the Manual.

Paul M. Coughlan, Jr.  
Editor, MPEP

For the guidance of all users of the Manual attention is especially directed to:

- 707.05 (e) Indication of Unofficial Classification
- 711 Express Abandonment by Attorney or Agent
- 714.16 (b) Rule 312 Amendment with Motion under Rule 231
- 714.16 (c) Rule 312 Amendment - Additional Claims
- 714.16 (d) Handling Rule 312 Amendments
- 1101.01 Interferences between Applications - Difference in Effective Filing Dates
- 1102.01 (a) Interference Memorandum - Applications Listed and Indication of Count
- 1302.04 Examiner's Amendment to Amend or Cancel Claims

(over)

List of Replacement Pages

<b>Title Page</b>	<b>Pages</b>
	117
19	119
51	133
54.1*	137
55	147
61	153
79	165
81	166.1* (Added)
89	173
90.1	177
91	179
102.1	181
103	221
105	222.1* (Added)
113	251

\* Reverse side blank

U. S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington, D. C. 20231

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Instructions regarding Revision No. 10**

Submitted herewith is the group of pages constituting Revision No. 10 of the Manual of Patent Examining Procedure, Third Edition. Proper substitution for those pages in the Manual having corresponding page numbers may be made forthwith. The page numbers listed on the reverse side of this page provide a means for determining that your set is complete.

Information and instructions published in Change Notice 10-1 (Second Action Rejection, 829 O. G. 1755) have not been included in these revised pages. Accordingly, this Change Notice should be retained.

Paul M. Coughlan, Jr.  
Editor, MPEP

For the guidance of all users of the Manual attention is especially directed to:

- |           |   |
|-----------|---|
| 201.07    | Streamlined Continuation  |
| 201.13    | Identity of Inventors   |
| 303       | Endorsing Assignments on Pending Applications   |
| 306       | Assignment of Division, Continuation, Substitute, and Continuation-in-Part Applications |
| 602       | Authentication of Original Application Oath   |
| 608.01(a) | Arrangement of Application  |
| 706.03(w) | Res Judicata  |
| 706.03(y) | Improper Markush Group  |
| 710.02(e) | Extension of Time   |
| 1402.01   | Correction of Error in Joining Inventor   |

MANUAL OF PATENT EXAMINING PROCEDURE  
**LIST OF REPLACEMENT PAGES**

Instructions regarding Revision Notices

<b>Title Page</b>	
	<b>59</b>
<b>9</b>	<b>73</b>
<b>10.1*</b>	<b>90.1</b>
<b>11</b>	<b>93</b>
<b>12.1*</b>	<b>113</b>
<b>17</b>	<b>155</b>
<b>21</b>	<b>156.1 (Eliminated)</b>
<b>33</b>	<b>233</b>
<b>34.1*</b>	<b>237</b>
<b>37</b>	<b>251</b>
<b>43</b>	<b>255*</b>
<b>49</b>	

\* Reverse side blank.

U. S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington, D. C. 20231

**MANUAL OF PATENT EXAMINING PROCEDURE**

**Instructions Regarding Revision No. 11**

Submitted herewith is the group of pages constituting Revision No. 11 of the Manual of Patent Examining Procedure, Third Edition. Proper substitution for those pages in the Manual having corresponding page numbers may be made forthwith. The page numbers listed on the reverse side of this page provide a means for determining that your set is complete.

Information and instructions published in Change Notices 11-1 through 11-7 have been included in these revised pages. Accordingly, these Change Notices should be removed and discarded.

Paul M. Coughlan, Jr.  
Acting Editor, MPEP

For the guidance of all users of the Manual attention is especially directed to:

502	Hand Delivery of Duplicate Copy of Papers
608.01(b)	Abstract of the Disclosure
608.01(c)	Background of the Invention
608.01(m)	Form of the Claims
608.02(d)	Illustration in Drawings
706.03(1)	Telephone Practice in Multiplicity Rejections
707.07(d)	Language Used in Rejecting Claims
1111.14	Correction of Error in Joining Inventor
1208	Failure to Argue Rejection in Brief

(Over)

**List of Replacement Pages**

**Title Page**

3	90.1
26.1*	97
31	98.1* (added)
33	101
41	135
43	163
45	199
47	211
48.1* (added)	213*
53	221
71	225
72.1* (added)	243
81	245*
83	253
	255*

\* Reverse side blank

U. S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington, D.C. 20231

MANUAL OF PATENT EXAMINING PROCEDURE, 3rd Edition

Revision No. 12

The accompanying pages, constituting Revision 12, should be substituted in the Manual.

Information and instructions published in all previous Change Notices except 12-8 have been included in the Manual. Accordingly, these Change Notices may be discarded. Only Change Notice 12-8 should be retained.

The sections listed below include the changes published in Change Notice 12-1 through 12-7, 12-9 and 12-10.

Eugene G. Botz  
Acting Editor, MPEP

- 201.11 Continuity Between Applications (12-5)
- 305.02(a) Rejection of One Application On the Other (12-1)
- 706.07(a) Final Rejection, When Proper On Second Action (12-3)
- 708.02 Special Examination (12-9)
- 710.02(e) Extension of Time (12-2)
- 715.01 Reference Claims Foreign Filing Date
- 809 Claims Linking Distinct Inventions (12-6)
- 809.02(a) Election Required-Generic Claim Not Allowable (12-6)
- 812.01 Telephone Practice in Restriction Situations (12-6)
- 813 Citation of Art (12-6)
- 818 Election and Response (12-6)
- 1105.06 Form of Decision Letter (12-4)
- 1208 Examiner's Answer (12-7)

The sections listed below include changes not published in the Change Notices of the twelfth (12) series;

The back side of the Title Page contains information of special interest to Manual Owners outside the Patent Office.

- 607 Filing Fee
- 608.01(n) Dependent Claims
- 608.02(i) Transfer of Drawings From Prior Applications

(over)

MANUAL OF PATENT EXAMINING PROCEDURES, 2nd Edition

707.01	(a)	Partial Signatory Authority
707.05	(a)	References Cited by Applicant (relocated)
714.10		Claims Added in Excess of Filing Fee
800		Restriction; Double Patenting-Subject Index
1005		Matters Submitted to Group Managers (item 14)
1101		Preliminaries to an Interference (item f)
1207		Amendment Filed With or After Appeal (first six paragraphs deleted)
1216.01		Appeal to Court of Custom and Patent Appeals
1302.03		Status Letter of Allowability - POL-255
1402		Certificates of Correction - Office Mistake

Please use this list of page numbers for determining that your set of revised pages is complete.

Title Page	59	108.1*	211
v*	61	115	217
9	67	117	219*
10.1*	71	119	221
11	72.1*	120.1*	222.1*
19	73	121	225*
21	75	123	233
37		125	
38.1*(eliminated)	77	127	
39	79	129	
41	80.1*(added)	131*	
42.1*(added)	87	133	
47	89	159	
48.1	90.1	161*	
53	102.1	163	
54.1*	102.3*	187	
55	107	209	

\*Reverse side blank

**MANUAL OF PATENT EXAMINING PROCEDURE, 3rd. Ed.  
Change Notice**

Reference: MPEP 201.11

SERIES NO. 12 - 8

March 7, 1967

**CHAINS OF CONTINUING APPLICATIONS**

In view of a recent decision of an enlarged panel of the Board of Appeals the practice involving applications which claim the benefit of earlier filing dates, under 35 U.S.C. 120, shall be as follows:

When an applicant has filed a plurality of applications disclosing common subject matter, a later filed application can only obtain the benefit of the filing date of an earlier filed copending application or of one copending with the earlier filed application. For example, in a chain of four successively file applications wherein no more than two were copending at any one time, the last filed application is not entitled to the benefit of the date of the first filed application.

The Group Manager should be informed and keep a record of situations wherein an applicant is refused the benefit of an earlier filing date in accordance with this notice.

**Richard A. Wahl  
Assistant Commissioner**

U.S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington, D.C. 20231

MANUAL OF PATENT EXAMINING PROCEDURE  
Third Edition

Instructions Regarding Revision No. 13

The pages constituting Revision No. 13 of the Manual of Patent Examining Procedure, Third Edition, are transmitted herewith. These pages should be inserted in the Manual to replace those pages having corresponding page numbers, or as additional pages. The page numbers listed on the reverse side of this sheet provide a means for determining that your set is complete.

Information and instructions published in all previous Change Notices, insofar as they reflect current practice, through 13-3, with the exception of 12-8, have been incorporated into the Manual. Accordingly, these Change Notices need no longer be appended to the Manual. Only Change Notice 12-8 should be retained.

The Acting Editor is cognizant of the many errors and omissions in the Index and Appendices. It is anticipated that these will be corrected in a future revision.

George F. Mautz  
Acting Editor, M.P.E.P.

For the guidance of all users of the Manual, attention is especially directed to:

- 104 Power to Inspect Application
- 201.07 Streamlined Continuation
- 303 Endorsing Assignments on Pending Applications
- 607 Filing Fee
- 707.05(a) Copies of Cited References Provided by Reference Order Center
- 707.05(b) References Cited by Applicant
- 707.07(d) Language To Be Used In Rejecting Claims
- 710.02(c) Time Limit Actions: Situations In Which Used
- 711.06 Abstracts and Abbreviations
- 714.16(c) Amendment Under Rule 312, Additional Claims
- 714.19 List of Amendments, Entry Denied
- 901.05 Foreign Patents
- 901.05(a) Citation Data
- Foreign Language Names of Months
- Foreign Language Names and Abbreviations for the United States of America
- Foreign Patent Data
- 905.05 Charge for Pending Application Files
- 1302.07 Use of Retention Labels to Preserve Abandoned Companion Applications (In Issue)
- 1401.11 Allowance and Issue (Reissue)

**LIST OF REPLACEMENT PAGES**

Patent Office  
Washington, D.C. 20531

<b>Title Page</b>	
3	85
7	89
9	90.1
<b>10.1*(added)</b>	<b>91</b>
17	93
19	95
21	103
35	105
39	113
41	137
<b>42.1*</b>	<b>138.1(added)</b>
61	139
63	157*
79	222.1*
80.1	223
81	225
83	226.1(eliminated)
	233

**\*Reverse Side Blank**

UNITED STATES GOVERNMENT

# Memorandum

U.S. DEPARTMENT OF COMMERCE  
PATENT OFFICE

TO : All Holders of Manual of Patent  
Examining Procedure

DATE: September 19, 1967

In reply refer to:

FROM : W. Stolwein, *W. Stolwein*  
Acting Editor, M.P.E.P.

SUBJECT: Revision 13 to M.P.E.P.

This is to inform you that the page numbered 10.1 in Revision 13 does not replace the existing 10.1, identified as Rev. 12, Apr. 1967. Therefore, it is necessary to retain the Rev. 12 page 10.1 and renumber it as 10.2 since it will follow the new 10.1 in Revision 13.

U. S. DEPARTMENT OF COMMERCE  
Patent Office  
Washington, D. C. 20231

MANUAL OF PATENT EXAMINING PROCEDURE  
Third Edition  
Instructions Regarding Revision No. 14

Revision No. 14, which is transmitted herewith, includes pages to be substituted for pages with corresponding numbers presently in the Manual and also pages to be added thereto in their proper sequence.

A checklist of pages for the entire Third Edition through Revision 14 has been added. The assistance of the staff of the Scientific Library in comparing this list with library records is noted with appreciation.

Three new sections (1710-1710.02) which are concerned with U.S. - German - Search Exchange have also been added. These sections, while following Section 1705 physically, do not follow it numerically because additional insertions numbered 1706-1709 will be forthcoming.

The sample action in Section 707.03 has been deleted as obsolete. The elimination of obsolete form paragraphs from Appendix III has been delayed pending further procedural changes which will affect this Appendix.

Only Change Notices 12-8 and 15-1 should be retained since the substance of all other Notices is now incorporated into the Manual.

Walter Stolwein  
Acting Editor, M.P.E.P.

The sections listed below are of special interest:

201.06	Division
201.07	Continuation
608.01(p)	Completeness
608.02	Drawing
707.07(a)	Action On Formal Matters
707.07(c)	Draftsman's Requirement
710.02(e)	Extension Of Time
	(Incorporates Change Notice 14-1)

(over)

714.13 Amendments After Final Rejection  
 Or Action, Procedure Followed  
 (Incorporates Change Notice 14-1)  
 1208 Examiner's Answer  
 1710 U.S. - German Search Exchange  
 1710.01 U.S. Origin Applications  
 1710.02 German Origin Applications  
 (1710 - 1710.02 incorporate  
 Change Notice 14-3)

**LIST TO DETERMINE WHETHER REVISION 14 PAGES ARE COMPLETE**

**Title Page**

<b>V</b>	<b>53</b>
<b>VII*</b>	<b>63</b>
<b>7</b>	<b>77</b>
<b>8.1*</b>	<b>79 (eliminated)</b>
<b>9</b>	<b>81</b>
<b>10.1</b>	<b>90.1</b>
<b>11</b>	<b>102.1</b>
<b>35</b>	<b>102.3</b>
<b>45</b>	<b>105</b>
<b>47</b>	<b>127</b>
<b>48.1</b>	<b>161</b>
<b>49</b>	<b>211</b>
<b>51</b>	<b>222.1</b>
	<b>245</b>

\*added

The Patent Office has not made the sale of this manual a condition of the sale of any other patent document.

**MANUAL OF**

**PATENT**

**EXAMINING**

**PROCEDURE**

Third Edition, November 1961



**U.S. DEPARTMENT OF COMMERCE • PATENT OFFICE**

Rev. 14, Oct. 1967

For sale by the Superintendent of Documents, U.S. Government Printing Office,  
Washington, D.C. 20402. Catalog No. C 21.15:961. Subscription Price \$8.50  
per year; \$2.50 additional for foreign mailing.

The Patent Office does not handle the sale of the Manual, distribution of notices and revisions or change of address of those on the subscription list.

Correspondence relating to any of the above items should be sent to the Superintendent of Documents at the following address:

Superintendent of Documents  
Mail List Section  
P.O. Box 1533  
Washington, D.C. 20542

Employees of the Patent Office should direct their orders for the Manual, replacement pages, notices, and revisions to the Scientific Library.

**First Edition, November 1949**

Revision 1, November 1950

Revision 2, December 1951

Revision 3, May 1952

**Second Edition, November 1953**

Revision 1, April 1955

Revision 2, June 1956

Revision 3, June 1957

Revision 4, July 1958

**Third Edition, November 1961**

Revision 1, January 1964

Revision 2, November 1964

Revision 3, January 1965

Revision 4, April 1965

Revision 5, July 1965

Revision 6, October 1965

Revision 7, January 1966

Revision 8, April 1966

Revision 9, July 1966

Revision 10, October 1966

Revision 11, January 1967

Revision 12, April 1967

Revision 13, July 1967

Revision 14, October 1967

## Foreword

This Manual is published to provide examiners in the Patent Office with a reference work on the practice and procedure within the Office as it relates to their duties and operations. It contains instructions to examiners, as well as other material in the nature of information and interpretation, and generally outlines the current procedure which the examiners are required or authorized to follow in appropriate cases in the normal examination of applications.

Examiners will continue to be governed as in the past by the applicable statutes, the Rules of Practice, decisions, and orders and instructions issued by the Commissioner, the Director, Patent Examining Operation, or the Supervisory Examiners. Orders and Notices still in force which relate to the subject matter included in this Manual are incorporated and identified as such. Orders and Notices, or portions thereof, relating to the examiners' duties and functions included in this Manual which have been omitted or not incorporated in the text may be considered obsolete. Interference procedure not directly involving the Primary Examiner is not included in this Manual and, therefore, Orders and Notices relating thereto remain in force.

Subsequent changes in practice and other revisions will be incorporated in the form of substitute or additional pages for the Manual.

DAVID L. LADD  
*Commissioner.*

NOVEMBER 15, 1961.

## Acknowledgments

Preparation of the text of the Third Edition was directed by Ernest A. Faller, Editor, under the supervision of Manuel C. Rosa, Director, Patent Examining Operation.

The Supervisory Examiners, Isaac G. Stone, Norman H. Evans, Burnham Yung Kwai, Sam Spintman, John S. Hull, Thomas F. Murphy, Harvey E. Kauffman and George A. Gorecki took an active part in this work, especially in rewriting Chapter 700.

Others who assisted were Pasquale J. Federico, Hyman B. Freehof, Examiners-in-Chief; Joseph Schimmel, Deputy Solicitor; Samuel Levin, LaVerne L. Williams, Interference Examiners; and Florence A. Hoffman, Division Clerk.

Suggestions for improving the form and content of the Manual are always welcome. They should be addressed to:

Commissioner of Patents,  
Washington, D.C. 20231

DATES OF REVISIONS 1-14

Date	Rev. No.	Date	Rev. No.
Apr. 1958	1	Jan. 1961	10
July 1958	2	Nov. 1961	11
Oct. 1958	3	Jan. 1962	12
Jan. 1959	4	Apr. 1962	13
Apr. 1959	5	Jul. 1962	14
Jul. 1959	6	Oct. 1962	15
Oct. 1959	7	Jan. 1963	16
Jan. 1960	8	Apr. 1963	17
Apr. 1960	9	Jul. 1963	18
Jul. 1960	10	Oct. 1963	19
Oct. 1960	11	Jan. 1964	20
Jan. 1961	12	Apr. 1964	21
Apr. 1961	13	Jul. 1964	22
Jul. 1961	14	Oct. 1964	23
Oct. 1961	15	Jan. 1965	24
Jan. 1962	16	Apr. 1965	25
Apr. 1962	17	Jul. 1965	26
Jul. 1962	18	Oct. 1965	27
Oct. 1962	19	Jan. 1966	28
Jan. 1963	20	Apr. 1966	29
Apr. 1963	21	Jul. 1966	30
Jul. 1963	22	Oct. 1966	31
Oct. 1963	23	Jan. 1967	32
Jan. 1964	24	Apr. 1967	33
Apr. 1964	25	Jul. 1967	34
Jul. 1964	26	Oct. 1967	35
Oct. 1964	27	Jan. 1968	36
Jan. 1965	28	Apr. 1968	37
Apr. 1965	29	Jul. 1968	38
Jul. 1965	30	Oct. 1968	39
Oct. 1965	31	Jan. 1969	40
Jan. 1966	32	Apr. 1969	41
Apr. 1966	33	Jul. 1969	42
Jul. 1966	34	Oct. 1969	43
Oct. 1966	35	Jan. 1970	44
Jan. 1967	36	Apr. 1970	45
Apr. 1967	37	Jul. 1970	46
Jul. 1967	38	Oct. 1970	47
Oct. 1967	39	Jan. 1971	48
Jan. 1968	40	Apr. 1971	49
Apr. 1968	41	Jul. 1971	50
Jul. 1968	42	Oct. 1971	51
Oct. 1968	43	Jan. 1972	52
Jan. 1969	44	Apr. 1972	53
Apr. 1969	45	Jul. 1972	54
Jul. 1969	46	Oct. 1972	55
Oct. 1969	47	Jan. 1973	56
Jan. 1970	48	Apr. 1973	57
Apr. 1970	49	Jul. 1973	58
Jul. 1970	50	Oct. 1973	59
Oct. 1970	51	Jan. 1974	60
Jan. 1971	52	Apr. 1974	61
Apr. 1971	53	Jul. 1974	62
Jul. 1971	54	Oct. 1974	63
Oct. 1971	55	Jan. 1975	64
Jan. 1972	56	Apr. 1975	65
Apr. 1972	57	Jul. 1975	66
Jul. 1972	58	Oct. 1975	67
Oct. 1972	59	Jan. 1976	68
Jan. 1973	60	Apr. 1976	69
Apr. 1973	61	Jul. 1976	70
Jul. 1973	62	Oct. 1976	71
Oct. 1973	63	Jan. 1977	72
Jan. 1974	64	Apr. 1977	73
Apr. 1974	65	Jul. 1977	74
Jul. 1974	66	Oct. 1977	75
Oct. 1974	67	Jan. 1978	76
Jan. 1975	68	Apr. 1978	77
Apr. 1975	69	Jul. 1978	78
Jul. 1975	70	Oct. 1978	79
Oct. 1975	71	Jan. 1979	80
Jan. 1976	72	Apr. 1979	81
Apr. 1976	73	Jul. 1979	82
Jul. 1976	74	Oct. 1979	83
Oct. 1976	75	Jan. 1980	84
Jan. 1977	76	Apr. 1980	85
Apr. 1977	77	Jul. 1980	86
Jul. 1977	78	Oct. 1980	87
Oct. 1977	79	Jan. 1981	88
Jan. 1978	80	Apr. 1981	89
Apr. 1978	81	Jul. 1981	90
Jul. 1978	82	Oct. 1981	91
Oct. 1978	83	Jan. 1982	92
Jan. 1979	84	Apr. 1982	93
Apr. 1979	85	Jul. 1982	94
Jul. 1979	86	Oct. 1982	95
Oct. 1979	87	Jan. 1983	96
Jan. 1980	88	Apr. 1983	97
Apr. 1980	89	Jul. 1983	98
Jul. 1980	90	Oct. 1983	99
Oct. 1980	91	Jan. 1984	100
Jan. 1981	92	Apr. 1984	101
Apr. 1981	93	Jul. 1984	102
Jul. 1981	94	Oct. 1984	103
Oct. 1981	95	Jan. 1985	104
Jan. 1982	96	Apr. 1985	105
Apr. 1982	97	Jul. 1985	106
Jul. 1982	98	Oct. 1985	107
Oct. 1982	99	Jan. 1986	108
Jan. 1983	100	Apr. 1986	109
Apr. 1983	101	Jul. 1986	110
Jul. 1983	102	Oct. 1986	111
Oct. 1983	103	Jan. 1987	112
Jan. 1984	104	Apr. 1987	113
Apr. 1984	105	Jul. 1987	114
Jul. 1984	106	Oct. 1987	115
Oct. 1984	107	Jan. 1988	116
Jan. 1985	108	Apr. 1988	117
Apr. 1985	109	Jul. 1988	118
Jul. 1985	110	Oct. 1988	119
Oct. 1985	111	Jan. 1989	120
Jan. 1986	112	Apr. 1989	121
Apr. 1986	113	Jul. 1989	122
Jul. 1986	114	Oct. 1989	123
Oct. 1986	115	Jan. 1990	124
Jan. 1987	116	Apr. 1990	125
Apr. 1987	117	Jul. 1990	126
Jul. 1987	118	Oct. 1990	127
Oct. 1987	119	Jan. 1991	128
Jan. 1988	120	Apr. 1991	129
Apr. 1988	121	Jul. 1991	130
Jul. 1988	122	Oct. 1991	131
Oct. 1988	123	Jan. 1992	132
Jan. 1989	124	Apr. 1992	133
Apr. 1989	125	Jul. 1992	134
Jul. 1989	126	Oct. 1992	135
Oct. 1989	127	Jan. 1993	136
Jan. 1990	128	Apr. 1993	137
Apr. 1990	129	Jul. 1993	138
Jul. 1990	130	Oct. 1993	139
Oct. 1990	131	Jan. 1994	140
Jan. 1991	132	Apr. 1994	141
Apr. 1991	133	Jul. 1994	142
Jul. 1991	134	Oct. 1994	143
Oct. 1991	135	Jan. 1995	144
Jan. 1992	136	Apr. 1995	145
Apr. 1992	137	Jul. 1995	146
Jul. 1992	138	Oct. 1995	147
Oct. 1992	139	Jan. 1996	148
Jan. 1993	140	Apr. 1996	149
Apr. 1993	141	Jul. 1996	150
Jul. 1993	142	Oct. 1996	151
Oct. 1993	143	Jan. 1997	152
Jan. 1994	144	Apr. 1997	153
Apr. 1994	145	Jul. 1997	154
Jul. 1994	146	Oct. 1997	155
Oct. 1994	147	Jan. 1998	156
Jan. 1995	148	Apr. 1998	157
Apr. 1995	149	Jul. 1998	158
Jul. 1995	150	Oct. 1998	159
Oct. 1995	151	Jan. 1999	160
Jan. 1996	152	Apr. 1999	161
Apr. 1996	153	Jul. 1999	162
Jul. 1996	154	Oct. 1999	163
Oct. 1996	155	Jan. 2000	164
Jan. 1997	156	Apr. 2000	165
Apr. 1997	157	Jul. 2000	166
Jul. 1997	158	Oct. 2000	167
Oct. 1997	159	Jan. 2001	168
Jan. 1998	160	Apr. 2001	169
Apr. 1998	161	Jul. 2001	170
Jul. 1998	162	Oct. 2001	171
Oct. 1998	163	Jan. 2002	172
Jan. 1999	164	Apr. 2002	173
Apr. 1999	165	Jul. 2002	174
Jul. 1999	166	Oct. 2002	175
Oct. 1999	167	Jan. 2003	176
Jan. 2000	168	Apr. 2003	177
Apr. 2000	169	Jul. 2003	178
Jul. 2000	170	Oct. 2003	179
Oct. 2000	171	Jan. 2004	180
Jan. 2001	172	Apr. 2004	181
Apr. 2001	173	Jul. 2004	182
Jul. 2001	174	Oct. 2004	183
Oct. 2001	175	Jan. 2005	184
Jan. 2002	176	Apr. 2005	185
Apr. 2002	177	Jul. 2005	186
Jul. 2002	178	Oct. 2005	187
Oct. 2002	179	Jan. 2006	188
Jan. 2003	180	Apr. 2006	189
Apr. 2003	181	Jul. 2006	190
Jul. 2003	182	Oct. 2006	191
Oct. 2003	183	Jan. 2007	192
Jan. 2004	184	Apr. 2007	193
Apr. 2004	185	Jul. 2007	194
Jul. 2004	186	Oct. 2007	195
Oct. 2004	187	Jan. 2008	196
Jan. 2005	188	Apr. 2008	197
Apr. 2005	189	Jul. 2008	198
Jul. 2005	190	Oct. 2008	199
Oct. 2005	191	Jan. 2009	200
Jan. 2006	192	Apr. 2009	201
Apr. 2006	193	Jul. 2009	202
Jul. 2006	194	Oct. 2009	203
Oct. 2006	195	Jan. 2010	204
Jan. 2007	196	Apr. 2010	205
Apr. 2007	197	Jul. 2010	206
Jul. 2007	198	Oct. 2010	207
Oct. 2007	199	Jan. 2011	208
Jan. 2008	200	Apr. 2011	209
Apr. 2008	201	Jul. 2011	210
Jul. 2008	202	Oct. 2011	211
Oct. 2008	203	Jan. 2012	212
Jan. 2009	204	Apr. 2012	213
Apr. 2009	205	Jul. 2012	214
Jul. 2009	206	Oct. 2012	215
Oct. 2009	207	Jan. 2013	216
Jan. 2010	208	Apr. 2013	217
Apr. 2010	209	Jul. 2013	218
Jul. 2010	210	Oct. 2013	219
Oct. 2010	211	Jan. 2014	220
Jan. 2011	212	Apr. 2014	221
Apr. 2011	213	Jul. 2014	222
Jul. 2011	214	Oct. 2014	223
Oct. 2011	215	Jan. 2015	224
Jan. 2012	216	Apr. 2015	225
Apr. 2012	217	Jul. 2015	226
Jul. 2012	218	Oct. 2015	227
Oct. 2012	219	Jan. 2016	228
Jan. 2013	220	Apr. 2016	229
Apr. 2013	221	Jul. 2016	230
Jul. 2013	222	Oct. 2016	231
Oct. 2013	223	Jan. 2017	232
Jan. 2014	224	Apr. 2017	233
Apr. 2014	225	Jul. 2017	234
Jul. 2014	226	Oct. 2017	235
Oct. 2014	227	Jan. 2018	236
Jan. 2015	228	Apr. 2018	237
Apr. 2015	229	Jul. 2018	238
Jul. 2015	230	Oct. 2018	239
Oct. 2015	231	Jan. 2019	240
Jan. 2016	232	Apr. 2019	241
Apr. 2016	233	Jul. 2019	242
Jul. 2016	234	Oct. 2019	243
Oct. 2016	235	Jan. 2020	244
Jan. 2017	236	Apr. 2020	245
Apr. 2017	237	Jul. 2020	246
Jul. 2017	238	Oct. 2020	247
Oct. 2017	239	Jan. 2021	248
Jan. 2018	240	Apr. 2021	249
Apr. 2018	241	Jul. 2021	250
Jul. 2018	242	Oct. 2021	251
Oct. 2018	243	Jan. 202	

**Checklist of Pages Needed To Form a Complete Set of the Third Edition of the M.P.E.P.  
Through Revision 14**

**DATES OF REVISIONS 1-14**

<i>Rev. No.</i>	<i>Date</i>	<i>Rev. No.</i>	<i>Date</i>
1	Jan. 1964	8	Apr. 1966
2	Nov. 1964	9	July 1966
3	Jan. 1965	10	Oct. 1966
4	Apr. 1965	11	Jan. 1967
5	July 1965	12	Apr. 1967
6	Oct. 1965	13	July 1967
7	Jan. 1966	14	Oct. 1967

<i>Page</i>	<i>Revision No.</i>	<i>Page</i>	<i>Revision No.</i>
Title Page (2 sides)	14-14	Chapter 700	
III-IV	Unrevised	61-62	13-13
V-VI	14-14	63-64	14-13
VII		65-66	7-7
Introduction	Unrevised	67-68	12-7
1-2		69-70	5-5
Chapter 100		71-72	12-11
3-4	11-13	72.1	12
5-6	5-5	73-74	12-12
Chapter 200		75-76	12-12
7-8	13-14	77-78	14-14
8.1	14	80.1-80.2	13-13
9-10	14-14	81-82	14-14
10.1-10.2	14-14	83-84	13-13
11-12	14-10	85-86	13-13
12.1	10	87-88	12-12
13-14	1-1	89-90	12-13
14.1	1	90.1-90.2	13-14
15-16	2-unrevised	91-92	13-13
17-18	1-13	93-94	13-13
19-20	13-13	95-96	13-13
Chapter 300		97-98	11-11
21-22	13-12	98.1	11
Chapter 400		99-100	8-8
23-24	Unrevised	101-102	11-11
25-26	Unrevised-2	102.1-102.2	14-14
26.1	11	102.3	14
27-28	Unrevised	103-104	13-13
29-30	Unrevised	105-106	14-14
Chapter 500		107-108	4-12
31-32	11-11	108.1	12
Chapter 600		109-110	Unrevised
33-34	11-11	111-112	1-1
34.1	10	113-114	13-13
35-36	14-13	115-116	12-12
37-38	12-12	Chapter 800	
39-40	13-13	117-118	12-2
41-42	11-13	119-120	12-12
42.1	13	120.1	12
43-44	11-11	121-122	12-12
45-46	14-14	123-124	12-12
47-48	14-14	125-126	12-12
48.1-48.2	14-14	127-128	14-14
49-50	14-14	129-130	12-12
51-52	14-14	131	12
53-54	14-14	133-134	12-unrevised
54.1	12	135-136	11-11
55-56	12-12	Chapter 900	
57-58	4-7	137-138	13-13
59-60	12-12	138.1-138.2	13-13
		139-140	13-13
		141-142	1-1
		143-144	1-unrevised
		145-146	4-4

Page	Revision No.	Page	Revision No.
147-148	9-9	Chapter 1700	
149-150 (one page)	1	243-244	11-11
151-152	6-6	245-246	14-14
153-154	9-9	Chapter 1100 (old)	
155-156	10-10	163-164	Unrevised
157	13	165-166	2-2
Chapter 1000		167-168	Unrevised
159-160	8-12	169-170	2-2
161	14	171-172	2-3
Chapter 1100 (new)		172.1	3
163-164	12-12	173-174	Unrevised-1
165-166	9-9	175-176	2-2
166.1	9	176.1	2
167-168	5-5	177-178	1-1
169-170	5-8	179-180	Unrevised
171-172	8-8	181-182	Unrevised
172.1	5	183-184	Unrevised
173-174	8-9	185-186	2-2
175-176	8-8	187-188	Unrevised
176.1	8	189-190	2-4
177-178	9-9	191-192	2-2
179-180	9-8	192.1	2
181-182	8-9	193-194	3-Unrevised
183-184	8-8	195-196	1-1
185-186	5-5	196.1	1
187-188	12-12	197-198	Unrevised
189-190	5-blank page	199-200	3-3
193-194	7-7	201-202	Unrevised
194.1	7	203-204	1-1
195-196	5-5	204.1	1
197-198	5-8	205-206	Unrevised
199-200	11-5	207-208	Unrevised
201-202	5-5	Appendix I	
203-204	5-5	247-248	2-7
205	5	249-250	7-3
Chapter 1200		251-252	10-10
209-210	12-12	Appendix II	
211-212	14-14	253-254	11-11
213	11	255	11
213.1-214	8-1	Appendix III	
215-216	Unrevised	255.1-255.2	} (Revision number not on these pages—distributed with Revision 3)
217-218	12-12	255.3-255.4	
219	12	255.5-255.6	
Chapter 1300		Index	
221-222	12-12	257-258	8-Unrevised
222.1	14	259-260	Unrevised-8
223-224	13-13	261-262	7-Unrevised
225-226	13-13	263-264	Unrevised
227-228	6-6	265-266	Unrevised
Chapter 1400		267-268	Unrevised
229-230	Unrevised-1	269-270	Unrevised-7
231-232	1-unrevised	271-272	8-7
233-234	13-13	273-274	5-8
Chapter 1500		275-276	2-*Unrevised
235-236	2-2	277-278	Unrevised
236.1	2	279-280	Unrevised
237-238	6-10	281-282	Unrevised
Chapter 1600		283-284	8-8
239-240	Unrevised	285-286	8-8
241-242	Unrevised	287-288	8-8
		Change Sheet	12-8
		Change Sheet	15-1

\*Revision number does not appear on this page—distributed with Revision 2.

# Introduction

## Constitutional Basis

The Constitution of the United States provides:

"ART. 1, SEC. 8. The Congress shall have power . . . To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

## Statutes

Pursuant to the foregoing provision of the Constitution, Congress has passed a number of statutes under which the Patent Office is organized and our patent system is established. The provisions of the statutes can in no way be changed or waived by the Patent Office. Prior to January 1, 1953, the law relating to patents consisted of various sections of the Revised Statutes of 1874, derived from the Patent Act of 1870 and numerous amendatory and additional acts. These statutes, as well as old Title 35 of the United States Code, were compiled and reprinted several times prior to January 1, 1953, in a pamphlet entitled "Patent Laws".

By an Act of Congress approved July 19, 1952, which came into effect on January 1, 1953, the patent laws were revised and codified. With certain exceptions applying to applications filed and patents issued before January 1, 1953, this law governs all cases in the Patent Office. The patent law is Title 35 of the United States Code, which contains 95 sections numbered from 1 to 293, with gaps in the numbering between various chapters of the title. In referring to a particular section of the new patent code the citation is given, for example, as, 35 U.S.C. 31. The current edition of the pamphlet "Patent Laws" reprints the patent code and some additional statutes. The pamphlet also contains tables showing where subject matter comparable to present title 35 may be found in prior statutes, and where subject matter of prior statutes will be found in new title 35.

## Rules of Practice

One of the sections of the patent statute, namely, 35 U.S.C. 6, authorizes the Commis-

sioner of Patents, subject to the approval of the Secretary of Commerce, to establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office. These regulations are set forth in a Patent Office booklet entitled "Rules of Practice of the United States Patent Office in Patent Cases". The Rules of Practice have a long history, going back to pamphlets of general information to the public first issued in 1836. The content has been determined by history, tradition and other factors. Primarily the function of the Rules of Practice is to advise the public of the regulations which have been established in accordance with the statutes and which must be followed before the Office. But the Patent Office Rules of Practice have always additionally included, as numbered rules, informational material, copies of sections of the patent statutes, purely internal procedure, and the like. It goes without saying that the Rules of Practice govern the Examiners, as well as applicants and their attorneys.

## Commissioner's Orders and Notices

From time to time, the Commissioner of Patents has issued Orders and Notices relating to various specific situations that have arisen in operating the Patent Office. Notices and circulars of information or instructions have also been issued by the Supervisory Examiners under authority of the Commissioner. Orders and Notices have served various purposes including directions to the examiners giving them instruction, information, interpretations and the like. Some may be for the information of the public, advising what the Office will do under specified circumstances.

## Decisions

In addition to the statutory regulations, the actions taken by the Examiner in the examination of applications for patents are to a great extent governed by decisions on prior cases. Those dissatisfied with an Examiner's action may have it reviewed. In general, it may be stated that from that portion of the Examiner's action pertaining to objections on formal matters, a petition for review may be taken to the Commissioner of Patents (1002) and

**MANUAL OF PATENT EXAMINING PROCEDURE**

from that portion of the Examiner's action pertaining to the rejection of claims on the merits, an appeal may be taken to the Board of Appeals (1201). The distinction is set forth in Rules 181 and 191. The decision of the Commissioner on formal matters is final

but the decision of the Board of Appeals on questions passed on by it may be carried to the courts. See 1216. In citing decisions as authority for his actions, the Examiner should cite the decision in the manner set forth in 707.06.