

## **REQUEST FOR ALERT CONCERNING SUBMITTED PETITIONS**

### **Background**

On July 1, 2003, the Office instituted the Image File Wrapper (IFW) system to automate the prosecution of patent applications. All patent application documents that are part of the official record, including petitions, are converted to electronic form and stored in the electronic IFW.

When the IFW system was first implemented the system would only send a processing message to one organization within the USPTO even where a submission included matters treated by different areas of the Office. For example, if a submission included both an amendment and a petition of the type handled by the Office of Petitions (see MPEP 1002.02(b)), the IFW system would send a processing message to the Technology Center but not to the Office of Petitions. Improved software and internal procedures will soon create messages to alert both the Office of Petitions and the other organization handling the other documents, so the full submission will be correctly processed. However, there are a number of petitions of the type handled by the Office of Petitions for which the IFW system has not sent a processing message to the Office of Petitions.

To help assure prompt and proper service to the public, the Office is requesting applicants to assist the Office to process petitions by sending an e-mail alert to the office, in accordance with the following temporary procedures.

### **Petitions Types Affected:**

Petitions that are decided by the Office of the Deputy Commissioner for Patent Examination Policy (listed in MPEP § 1002.02(b)), including the Office of Patent Legal Administration (OPLA) and the Office of Petitions.

Examples of the most common petitions of these types are petitions to revive applications that are abandoned due to failure to respond to an Office action, petitions to withdraw an application from issue, petitions for patent term adjustments. Consult MPEP § 1002.02(b) for the full list of affected petitions.

### **Petitions Types Not Affected:**

**Petitions for other offices** within the USPTO, for example those decided by the Technology Centers (listed in MPEP § 1002.02(c)) or the Office of Publications (listed in MPEP § 1002.02(r)), **are not part of this program**, and applicants should not send an e-mail alert to the Office pursuant to this notice.

### **Temporary Procedures for an alert concerning submitted petitions:**

1. Confirm that a submitted petition filed **after June 30, 2003** has not been answered, either by checking your records or checking the postings on the Office's Patent Application Information Retrieval (PAIR) system. Applicants unfamiliar with the PAIR system may access information about it on the Office's web site: [www.uspto.gov/ebc](http://www.uspto.gov/ebc).

2. If a petition is filed, or has been filed **after June 30, 2003**, of the types listed in MPEP § 1002.02(b), and applicant has not received a response to the petition or seen a response posted on the PAIR system, applicant is invited to send an e-mail alert to [petitions@uspto.gov](mailto:petitions@uspto.gov) indicating the following information:
  - > application number of the application in which the petition(s) was filed
  - > date of petition(s)
  - > regulation under which petition(s) was filed, if known: (e.g. 37CFR1.137(b), 37CFR1.183, etc.)
3. Only the information described in paragraph 2 should be provided in the e-mail. Other information will not be considered. No attachments may be added to the e-mail. The e-mail will not be acknowledged or answered.
4. This e-mail alert will NOT be considered a communication in the file under 37CFR1.4(a)(2) and will not be entered into the file contents. The alert is NOT considered a status inquiry.
5. A single e-mail alert may include information on more than one unanswered petition. However, do not send in more than one alert per unanswered petition.

**Example [e-mail addressed to [petitions@uspto.gov](mailto:petitions@uspto.gov)]**

The following petitions have not been answered to date:

Application No.	Petition Filed:	Reg:
10/111111	October 3, 2003	37 CFR 1.137(b)
10/222222	December 5, 2003	37 CFR 1.183

**For Further Information Contact**

**Questions or status inquiries concerning specific petitions should be directed to Office of Petitions Help Desk or by checking the status of the application on the Private PAIR system (see [www.uspto.gov/ebc](http://www.uspto.gov/ebc)). Questions on the form of the e-mail should be directed to the EFS Help Desk, at (703) 305-3028.**

Date: 4/24/2004

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 Stephen G. Kunin  
 Deputy Commissioner for Patent  
 Examination Policy