

Automatic Petitions With Instant Decisions Now Offered by the US Patent Office

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In order to automate select petition practice, the U.S. Patent and Trademark Office offers the ePetitions web-based system, which makes available at least eight petitions for automated filing, processing, and disposition. An applicant can prepare one of the eight petition forms in a secure web interface and receive an automatic decision, eliminating the time normally required to file a petition and wait for disposition.

The time saved using the ePetitions system is especially advantageous for clients who need to file critical petitions for restoration of patent rights, expedite a withdrawal from representation and redirect Office correspondence to the new correspondence address, or initiate the revival of an abandoned application to save patent term adjustment time.

Because the ePetitions system requires the Applicant to submit data through standard electronic forms, an error message will appear if any requirements are not met at any time during the filing process. This helps the Applicant in identifying missing, incomplete, or invalid data, which would otherwise delay disposition of the petition. Rather, a petition filed under the ePetitions system is filed, decided, and granted immediately.

The following eight petitions are available through the ePetitions system, and can be entered directly into EFS-Web screens:- Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36);- Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2));- Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3));- Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2) with Assigned Patent Number);- Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(3) with Assigned Patent Number);- Petition to Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(b));- Petition for Revival of an Application based on Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)); and- Petition for Revival of an Application for Continuity Purposes Only (37 CFR 1.137(b)). The following two PDF-based ePetitions require the Applicant to first download and then complete of the respective EFS-Web Fillable PDF Form: - Petition to Make Special Based on Age (37 CFR 1.102)- Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(c))

According to Director David Kappos, "(ePetitions system) represents a major step forward for us providing the USPTO with an opportunity to improve its operational efficiency by reallocating resources and by eliminating the time required to receive, upload to PAIR (Patent Application Information Retrieval), docket, and decide petitions, as well as any rework associated repeating these steps for dismissals."

If you have questions concerning the ePetitions system, please contact Sal Anastasi or Joe Falcon.

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