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Submission of Evidence by Third-Parties During Patent Prosecution

Beginning September 16th, 2012 any third party may submit printed publications (including websites or content therefrom) to the USPTO for consideration during the examination of a pending patent application. The submission may also include reasoned statements of relevance of the art submitted.

Submission Requirements:

All submissions under this new procedure must include:

A list of the documents being submitted.

A concise description of the relevance of each document being submitted.

A legible copy of each non-U.S. patent document being submitted and, if a non-English publication, an English translation of the document.

A statement that the submission complies with the rule.

The appropriate fee (Free for three or less documents. Otherwise \$180/10 documents).

Submission Timeline:

The USPTO further requires that the filing of these submissions be done before a notice of allowance is given or mailed in the application or the later of the date a first office action rejection is mailed or within six-months from publication of the application.

Misc.

Cannot make submission by FAX.

Third party may remain anonymous.

It is permissible to make submissions against unpublished applications.

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