

Estimated Total Annual Burden Hours: 29 hours.

Needs and Uses: This collection of information is necessary to ensure that the requirements of 35 U.S.C. 157 and 37 CFR 1.293 through 1.297 are met. The public uses form PTO/SB/94, Request for Statutory Invention Registration, to request and authorize publication of a regularly filed patent application as a statutory invention registration, to waive the right to receive a United States patent on the same invention claimed in the identified patent application, and to agree that the waiver will be effective upon publication of the statutory invention registration. The Office uses form PTO/SB/94, Request for a Statutory Invention Registration, to review, grant, or deny a request for a statutory invention registration. No forms are associated with the petition to review final refusal to publish a statutory invention registration or the petition to withdraw a publication request. The petition to review final refusal to publish a statutory invention registration is used by the public to petition the Office's rejection of a request for a statutory invention registration. The Office uses the petition to withdraw a publication request to review requests to stop publication of a statutory invention registration.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or to the Office of Information and Regulatory Affairs, OMB, 725 17th Street, NW., Washington, DC 20503, (Attn: PTO Desk Officer).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

37 CFR Part 5

Classified information, foreign relations, inventions and patents.

For the reasons set forth in the preamble, 37 CFR parts 1 and 5 are proposed to be amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

2. Section 1.4 is amended by adding paragraphs (d)(1)(iv) and (h) to read as follows:

§ 1.4 Nature of correspondence and signature requirements.

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(d)(1) * * *

(iv)(A) Where correspondence for a patent application, patent file, or a reexamination proceeding is printed on paper for hand or mail delivery, or is submitted via the Office's Electronic Filing System, or facsimile transmission (pursuant to § 1.6(d) of this part), it may be electronically signed. The electronic signature must consist only of numbers and/or letters, with punctuation and spaces (e.g., Jane DOE-JONES, James JONES, Jr., and Dr. James JONES). The person signing the correspondence must personally insert the electronic signature between two forward slash marks. The signature must be the signer's actual name, except as provided by paragraph (d)(1)(iv)(B) of this section, including the given name, middle name or initial, and family name and, optionally, a title. The actual name must be presented with only the family name being entirely in capital letters. A practitioner, signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2) of this part, must use his/her complete name as registered as his or her electronic signature, and the signer's registration number must be supplied, either as part of the electronic signature, or adjacent the electronic signature. If part of the electronic signature, the number (#) character may be used when appearing before a practitioner's registration number; otherwise the number character may not be used in an electronic signature.

(B) Where a person's electronic signature as set forth in paragraph

(d)(1)(iv)(A) of this section is not the person's actual name, the correspondence must include the person's actual name in printed or typed form immediately below the electronic signature, and clearly indicate that it is the signer's actual name, with only the family name being presented entirely in capital letters.

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(h) The Office may require ratification or confirmation of a signature, or a resubmission of a document, such as when the Office has reasonable doubt as to the authenticity (veracity) of the signature, e.g., where there are variations of a signature, or where the signature and the complete typed or printed name, if any, does not clearly identify the person signing, or where more than one person has used the same signature (with a different typed or printed name below the signature).

3. Section 1.6 is amended by removing and reserving paragraph (e) and revising paragraph (d)(4) to read as follows:

§ 1.6 Receipt of correspondence.

* * * * *

(d) * * *

(4) Drawings submitted under §§ 2.51, 2.52, or 2.72, and color drawings submitted under §§ 1.81, 1.83 through 1.85, 1.152, 1.165, 1.173, or 1.437;

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(e) [Reserved]

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4. Section 1.8 is amended by revising the introductory text of paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 1.8 Certificate of mailing or transmission.

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

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(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or