

in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings; and
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

\* \* \* \* \*

(c) *Identification of drawings.* Identifying indicia should be provided, and if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided on the front of each sheet, it must be placed to the left of the center within the top margin.

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22. Section 1.91 is amended by adding paragraph (c) to read as follows:

**§ 1.91 Models or exhibits not generally admitted as part of application or patent.**

\* \* \* \* \*

(c) Unless the model or exhibit substantially conforms to the requirements of § 1.52 or § 1.84 under paragraph (a)(1) of this section, it must be accompanied by photographs that show multiple views of the material features of the model or exhibit and that substantially conform to the requirements of § 1.84.

23. Section 1.94 is revised to read as follows:

**§ 1.94 Return of models, exhibits or specimens.**

(a) Models, exhibits, or specimens may be returned to the applicant if no

longer necessary for the conduct of business before the Office. When applicant is notified that a model, exhibit, or specimen is no longer necessary for the conduct of business before the Office and will be returned, applicant must arrange for the return of the model, exhibit, or specimen at the applicant's expense. The Office will dispose of perishables without notice to applicant unless applicant notifies the Office upon submission of a perishable model, exhibit or specimen that a return is desired and makes arrangements for its return promptly upon notification by the Office that the perishable model, exhibit or specimen is no longer necessary for the conduct of business before the Office.

(b) Applicant is responsible for retaining the actual model, exhibit, or specimen for the enforceable life of any patent resulting from the application. The provisions of this paragraph do not apply to a model or exhibit that substantially conforms to the requirements of § 1.52 or § 1.84, where the model, exhibit or specimen has been described by photographs that substantially conform to § 1.84, or where the model, exhibit or specimen is perishable.

(c) Where applicant is notified, pursuant to paragraph (a) of this section, of the need to arrange for return of a model, exhibit or specimen, applicant must arrange for the return within the period set in such notice, to avoid disposal of the model, exhibit or specimen by the Office. Extensions of time are available under § 1.136, except in the case of perishables. Failure to establish that the return of the item has been arranged for within the period set or failure to have the item removed from Office storage within a reasonable amount of time notwithstanding any arrangement for return, will permit the Office to dispose of the model, exhibit or specimen.

24. Section 1.98 is amended by revising paragraphs (a)(1), (a)(2), and (e) to read as follows:

**§ 1.98 Content of information disclosure statement.**

(a) \* \* \*

(1) A list of all patents, publications, applications, or other information submitted for consideration by the Office. U.S. patents and U.S. patent application publications must be listed in a section separately from citations of other documents. Each page of the list must include:

(i) The application number of the application in which the information disclosure statement is being submitted;

(ii) A column that provides a space next to each document to be considered for the examiner's initials; and

(iii) A heading that clearly indicates that the list is an information disclosure statement.

(2) A legible copy of:

(i) Each patent;

(ii) Each publication or that portion which caused it to be listed;

(iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and

(iv) All other information or that portion which caused it to be listed

\* \* \* \* \*

(e) The requirement in paragraph (a)(2) of this section for a copy of the U.S. patents or U.S. patent application publications listed in an information disclosure statement does not apply:

(1) In any national patent application filed after June 30, 2003;

(2) In any international application that has entered the national stage under 35 U.S.C. 371 after June 30, 2003; or

(3) In any information disclosure statement submitted in compliance with the Office's electronic filing system.

25. Section 1.102 is amended by revising paragraph (c) to read as follows:

**§ 1.102 Advancement of examination.**

\* \* \* \* \*

(c) A petition to make an application special may be filed without a fee if the basis for the petition is:

(1) The applicant's age or health; or

(2) That the invention will materially:

(i) Enhance the quality of the environment;

(ii) Contribute to the development or conservation of energy resources; or

(iii) Contribute to countering terrorism.

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26. Section 1.103 is amended by revising paragraph (a)(2) to read as follows:

**§ 1.103 Suspension of action by the Office.**

(a) \* \* \*

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

\* \* \* \* \*

27. Section 1.105 is amended by redesignating paragraph (a)(3) as (a)(4) and revising it, and adding new paragraphs (a)(1)(viii) and (a)(3) to read as follows:

**§ 1.105 Requirements for information.**

(a)(1) \* \* \*