

29. In § 1.302, revise paragraph (b) to read as follows:

**§ 1.302 Notice of appeal.**

\* \* \* \* \*

(b) In interferences, the notice must be served as provided in § 41.106(f) of this title.

\* \* \* \* \*

30. In § 1.303, revise paragraph (c) to read as follows:

**§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.**

\* \* \* \* \*

(c) A notice of election under 35 U.S.C. 141 to have all further proceedings on review conducted as provided in 35 U.S.C. 146 must be filed with the Office of the Solicitor and served as provided in § 41.106(f) of this title.

\* \* \* \* \*

31. In § 1.304, revise paragraphs (a)(1) and (a)(2) to read as follows:

**§ 1.304 Time for appeal or civil action.**

(a)(1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § 41.52(a), § 41.79(a), or § 41.127(d) of this title, the time for filing an appeal or commencing a civil action shall expire two months after action on the request. In contested cases before the Board of Patent Appeals and Interferences, the time for filing a cross-appeal or cross-action expires:

(i) Fourteen days after service of the notice of appeal or the summons and complaint; or

(ii) Two months after the date of decision of the Board of Patent Appeals and Interferences, whichever is later.

(2) The time periods set forth in this section are not subject to the provisions of § 1.136, § 1.550(c), or § 1.956, or of § 41.4 of this title.

\* \* \* \* \*

32. In § 1.322, revise paragraph (a)(3) to read as follows:

**§ 1.322 Certificate of correction of Office mistake.**

(a) \* \* \*

(3) If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2) of this title.

\* \* \* \* \*

33. Revise § 1.323 to read as follows:

**§ 1.323 Certificate of correction of applicant's mistake.**

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. 255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in § 1.20(a). If the request relates to a patent involved in an interference, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2) of this title.

34. In § 1.324, revise paragraphs (a) and (c), and add paragraph (d), to read as follows:

**§ 1.324 Correction of inventorship in patent, pursuant to 35 U.S.C. 256.**

(a) Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his or her part, the Director may, on petition, or on order of a court before which such matter is called in question, issue a certificate naming only the actual inventor or inventors. A petition to correct inventorship of a patent involved in an interference must comply with the requirements of this section and must be accompanied by a motion under § 41.121(a)(2) of this title.

\* \* \* \* \*

(c) For correction of inventorship in an application, see §§ 1.48 and 1.497, and in a contested case before the Board of Patent Appeals and Interferences, see § 41.121(a)(2) of this title.

(d) *Correction of inventorship in a contested case before the Board of Patent Appeals and Interferences.* In a contested case under part 41, subpart D, of this title, a request for correction of a patent must be in the form of a motion under § 41.121(a)(2) of this title.

35. In § 1.565, revise paragraph (e) to read as follows:

**§ 1.565 Concurrent Office proceedings which include an ex parte reexamination proceeding.**

\* \* \* \* \*

(e) If a patent in the process of ex parte reexamination is or becomes involved in an interference, the Director may suspend the reexamination or the interference. The Director will not consider a request to suspend an interference unless a motion (§ 41.121(a)(3) of this title) to suspend the interference has been presented to, and denied by, an administrative patent judge, and the request is filed within ten (10) days of a decision by an administrative patent judge denying the motion for suspension or such other time as the administrative patent judge

may set. For concurrent *inter partes* reexamination and interference of a patent, see § 1.993.

**§§ 1.601–1.690 (Subpart E) [Removed and reserved]**

36. Remove and reserve subpart E, consisting of §§ 1.601 through 1.690, of part 1.

37. In § 1.701, revise paragraph (c)(2)(ii) to read as follows:

**§ 1.701 Extension of patent term due to examination delay under the Uruguay Round Agreements Act (original applications, other than designs, filed on or after June 8, 1995, and before May 29, 2000).**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order and any renewal thereof was removed;

\* \* \* \* \*

38. In § 1.703, revise paragraphs (a)(4), (b)(3)(ii), (b)(4), (d)(2), and (e) to read as follows:

**§ 1.703 Period of adjustment of patent term due to examination delay.**

(a) \* \* \*

(4) The number of days, if any, in the period beginning on the day after the date that is four months after the date an appeal brief in compliance with § 41.37 of this title was filed and ending on the date of mailing of any of an examiner's answer under § 41.39 of this title, an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed;

\* \* \* \* \*

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs