

not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

37 CFR 1.14. Patent application preserved in secrecy.

(a) Except as provided in § 1.11(b) pending patent applications are preserved in secrecy. No information will be given by the Office respecting the filing by any particular person of an application for a patent, the pendency of any particular case before it, or the subject matter of any particular application, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority in that particular application from the applicant or his assignee or attorney or agent of record, unless the application has been identified by serial number in a published patent document or the United States of America has been indicated as a Designated State in a published international application, in which case status information such as whether it is pending, abandoned or patented may be supplied, or unless it shall be necessary to the proper conduct of business before the Office

ent and Trademark Office, except for handling as required by the issue process, unless specifically authorized by the Commissioner. If such authorization is given, the employee having custody will be responsible for maintaining confidentiality and otherwise conforming with the requirements of law.

Applications must not be placed in desk drawers or other locations where they might be easily overlooked or are not visible to authorized personnel.

Whenever an application is removed from the operating area having custody of the file, a charge on the PALM system must be properly and promptly made.

Papers arriving within the groups must be properly and promptly placed within the appropriate files. If papers are received with faulty identifications, this should be corrected at once. If papers are received at a destination for which they are not intended due to faulty identification or routing, appropriate corrective action should be taken at once to ensure the prompt receipt

Normally no information concerning pending or abandoned patent applications (except reissue applications and reexamination proceedings) may be given to the public without the authorization of the applicant, the assignee of record, or the attorney or agent of record. See 35 U.S.C. 122 and 37 CFR 1.14. Other exceptions are specified in 37 CFR 1.14.

When handling an incoming telephone call or an in-person request for information regarding a pending or abandoned patent application, no information should be disclosed until the identity of the requester can be adequately verified as set forth below. Particular care must be exercised when a request is made for the issue date or patent number assigned to a pending patent application. If the issue date is later than the current date (i.e., the date of the request), such information may be given only to the applicant, or the assignee of record, or the attorney or agent of record.

that no information concerning that application will be released.

- (2) Then, verify that information concerning the application can be released by checking PALM or the application file.
 - (a) If the caller stated there was an attorney or agent of record, the 2954 PALM screen should be used to verify the registration number given or to obtain the registration number of an attorney or agent of record. Then the 3552 PALM screen (using the registration number) should be used to obtain a telephone number for an attorney or agent of record.
 - (b) If the caller identified himself or herself as an applicant or an authorized representative of the assignee of record, the 2950 PALM screen should be used to verify the correspondence

to wait while verifying their identification as in (2) above.

102 Information as to Status of an Application

Status information of an application means only the following information:

1. that the application is abandoned, or
2. that the application is pending, or
3. that the application was issued as a patent and the patent number, issue date, and classification of such patent.

PATENTED

If an application on which status information is requested has matured into a patent, the fact that the application is patented and the patent number, issue date,

request citing the application in question by serial number and date of filing. The source document (a United States or foreign patent or published application) must be identified in the written request by the country, number, and date of such patent or application.

REFERENCED APPLICATION, SOURCE DOCUMENT NOT PRESENTED

If a written request for status information is presented without a copy of the source document, Patent and Trademark Office employees will check to see that the source document and the application in question are properly identified and that the source document refers to the application in question before supplying the status information. Requests for information not accompanied with a copy of the source document may require the Office to obtain a copy of the source document for verification before status information can be supplied. This may

103 Right of Public to Inspect Patent Files and Some Application Files [R-2]

37 CFR 1.11. Files open to the public.

(a) After a patent has been issued or a statutory invention registration has been published, the specification, drawings, and all papers relating to the case in the file of the patent or statutory invention registration are open to inspection by the public, and copies may be obtained upon paying the fee therefor. See § 2.27 for trademark files.

(b) All reissue applications, all applications in which the Office has accepted a request to open the complete application to inspection by the public, and related papers in the application file, are open to inspection by the public, and copies may be furnished upon paying the fee therefor. The filing of reissue applications will be announced in the *Official Gazette*. The announcement shall include at least the filing date, reissue application and original patent numbers, title, class and subclass, name of the inventor, name of the owner of record, name of the attorney or agent of record, and examining group to which the reissue application is assigned.

Any interested party may file a petition, accompanied by the petition fee, to the Commissioner for access to an application. Inasmuch as the Post Office address is necessary for the complete identification of the petitioner, it should always be included complete with Zip Code number. Petitions for access are handled in the Special Program Law Office.

The petition may be filed either with proof of service of copy upon the applicant, assignee of record, or attorney or agent of record in the application to which access is sought, or the petition may be filed in duplicate, in which case the duplicate copy will be sent by the Office to the applicant, assignee of record, or attorney or agent of record in the application (hereinafter "applicant"). A separate petition, with fee, should be filed for each application to which access is desired. Each

rials relating to the prosecution in the application of the subject matter claimed in the patent. Failure to submit these materials will result in the entire application file being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

ACCESS TO PROVISIONAL APPLICATIONS

In provisional applications, access or certified copies will only be given to parties with written authority from a named inventor, the assignee of record, or the attorney or agent of record. Since provisional applications do not require an oath or declaration, there may be no power of attorney in the application. If the person requesting a certified copy is not a named inventor, assignee of record, or an attorney or agent of record, the requested certified copy will be supplied to the correspondence address of the provisional application.

If a defensive publication, an abstract, or an abbreviation has been published, the entire application is available to the public for inspection and obtaining copies; see MPEP§ 711.06.

REISSUE APPLICATIONS

37 CFR 1.11(b) opens all reissue applications filed after March 1, 1977 to inspection by the general public. 37 CFR 1.11(b) also provides for announcement of the filings of reissue applications in the *Official Gazette*. This announcement will give interested members of the public an opportunity to submit to the examiner information pertinent to patentability of the reissue application.

37 CFR 1.11(b) is applicable only to those reissue applications filed on or after March 1, 1977. Those reissue applications previously on file will not be automatically open to inspection but a liberal policy will be followed by the Special Program Examiner in granting petitions for access to such applications.

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