

**PETITION TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION PROGRAM**

|  |   |                      |  |
|--|---|----------------------|--|
| Attorney Docket Number   |   | First Named Inventor |  |
| Application Number (if Known)  |   |                      |  |
| Title of Invention   |   |                      |  |
| <b>APPLICANT HEREBY PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE REVISED ACCELERATED EXAMINATION PROGRAM. See Instruction sheet on page 3.</b> |   |                      |  |
| 1.   | <b>Claims of the application:</b> <ol style="list-style-type: none"> <li>The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. The application may not contain any multiple dependent claims.</li> <li><b>Applicant hereby agrees not to separately argue the patentability of any dependent claim during any appeal</b> in the application. Specifically, the applicant agrees that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)).</li> <li>The claims must be directed to <b>a single invention</b>.</li> </ol>   |                      |  |
| 2.   | <b>Interviews:</b><br>Applicant hereby agrees to have (if requested by examiner): <ol style="list-style-type: none"> <li>An interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time, and</li> <li>A telephonic interview to make an election without traverse if the Office determines that the claims are not obviously directed to a single invention.</li> </ol>   |                      |  |
| 3.   | <b>Preexamination Search Statement and Accelerated Examination Support Document:</b><br>With this petition, applicant is providing: a <b>preexamination search statement</b> , in compliance with the requirements set forth in item 8 of the instruction sheet, and an <b>“accelerated examination support document”</b> that includes: <ol style="list-style-type: none"> <li>An <b>information disclosure statement</b> in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;</li> <li>For each reference cited, <b>an identification of all the limitations of the claims</b> that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;</li> <li>A <b>detailed explanation of how each of the claims are patentable</b> over the references cited with the particularity required by 37 CFR 1.111(b) and (c);</li> <li>A concise <b>statement of the utility</b> of the invention as defined in each of the independent claims (unless the application is a design application);</li> <li>An identification of any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the CREATE act; and</li> <li><b>A showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112</b> in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶6; and (2) the structure, material, or acts that correspond to any means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.</li> </ol> |                      |  |

## PETITION TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION PROGRAM (Continued)

|                        |  |                      |  |
|------------------------|--|----------------------|--|
| Attorney Docket Number |  | First Named Inventor |  |
|------------------------|--|----------------------|--|

**Attachments:**

|    |                          |   |
|----|--------------------------|---|
| a. |                          | Accelerated Examination Support Document (see item 3 above).  |
| b. |                          | A statement, in compliance with the requirements set forth in item 8 of the instruction sheet, detailing the preexamination search which was conducted.           |
| c. |                          | Information Disclosure Statement.   |
| d. | <input type="checkbox"/> | Other (e.g., a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism (37 CFR 1.102(c)(2)).<br><br>_____ |

**Fees: The following fees must be filed electronically via EFS or EFS-Web:**

|    |  |
|----|--|
| a. | The basic filing fee, search fee, examination fee, and application size fee (if required) under 37 CFR 1.16. |
| b. | Petition fee under 37 CFR 1.17(h) - unless the petition is filed with a showing under 37 CFR 1.102(c)(2).    |

**Signature:**

Click Remove if you wish to remove this signatory

|                    |  |                     |  |
|--------------------|--|---------------------|--|
| Signature          |  | Date                |  |
| Name (Print/Typed) |  | Registration Number |  |

Click Add if you wish to add additional signatory

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

## Instruction Sheet Petition to Make Special Under the Accelerated Examination

### ***A grantable petition must meet the following conditions:***

1. The petition to make special under the accelerated examination program must be filed with the application and accompanied by the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.
2. The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).
3. The application must be **filed electronically** using the Office electronic filing system (EFS) or EFS-Web.
4. The application must be complete under 37 CFR 1.51 and in condition for examination on filing. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an oath or declaration under 37 CFR 1.63.
5. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims. The application may not contain any multiple dependent claims. The petition must include a statement that **applicant will agree not to separately argue the patentability of any dependent claim during any appeal** in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)).
6. The claims must be directed to a **single invention**. The petition must include a statement that applicant will agree to have a telephonic interview to make an election without traverse in a telephonic interview if the Office determines that all the claims are not directed to a single invention.
7. The petition must include a statement that **applicant will agree** to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time.
8. At the time of filing, applicant must provide a statement that a **preexamination search was conducted**, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and, for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.
  - a. This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and nonpatent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.
  - b. This preexamination search must be directed to the claimed invention and encompass all of the features of the independent claims, giving the claims the broadest reasonable interpretation.
  - c. The preexamination search must also encompass the disclosed features that may be claimed, in that an amendment to the claims (including any new claim) that is not encompassed by the preexamination search will be treated as non-responsive and will not be entered.
  - d. A search report from a foreign patent office will not be accepted unless the search report satisfies the requirements set forth above.
  - e. Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.
9. At the time of filing, applicant must provide in support of the petition an **accelerated examination support document that includes:**
  - a. An **information disclosure statement** in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - b. For each reference cited, an **identification of all the limitations of the claims** that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - c. A **detailed explanation of how each of the claims are patentable** over the references cited with the particularity required by 37 CFR 1.111(b) and (c);
  - d. A concise **statement of the utility** of the invention as defined in each of the independent claims (unless the application is a design application);
  - e. An identification of any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the CREATE act; and
  - f. A **showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112** in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶6; and (2) the structure, material, or acts that correspond to any means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

**For more information, see notice "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" available on the USPTO web site at <http://www.uspto.gov/web/office/s/pac/dapp/ogsheet.html>**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.