

PETITION TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION PROGRAM

Attorney Docket Number		First Named Inventor	
Application Number (if Known)			
Title of Invention			

APPLICANT HEREBY PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE REVISED ACCELERATED EXAMINATION PROGRAM. See Instruction sheet on page 3.

1.	<p>Claims of the application:</p> <p>a. 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.</p> <p>b. Applicant hereby agrees not to separately argue the patentability of any dependent claim during any appeal 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)).</p> <p>c. The claims must be directed to a single invention.</p>
2.	<p>Interviews:</p> <p>Applicant hereby agrees to have (if requested by examiner):</p> <p>a. 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</p> <p>b. A telephonic interview to make an election without traverse if the Office determines that the claims are not obviously directed to a single invention.</p>
3.	<p>Preexamination Search Statement and Accelerated Examination Support Document:</p> <p>With this petition, applicant is providing: a preexamination search statement, in compliance with the requirements set forth in item 8 of the instruction sheet, and an “accelerated examination support document” that includes:</p> <p>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;</p> <p>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;</p> <p>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);</p> <p>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);</p> <p>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</p> <p>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.</p>

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This form is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Administrative Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. *If you need assistance in completing the*

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form, call 1-800-PTO-9199 and select option 2.

PETITION TO MAKE SPECIAL UNDER ACCELERATED EXAMINATION PROGRAM (Continued)

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Attachments:

a.		Accelerated Examination Support Document (see item 3 above).
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b.		A statement, in compliance with the requirements set forth in item 8 of the instruction sheet, detailing the preexamination search which was conducted.
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c.		Information Disclosure Statement.
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d.		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)).
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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.
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b.		Petition fee under 37 CFR 1.17(h) - unless the petition is filed with a showing under 37 CFR 1.102(c)(2).
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Signature:

Click Remove if you wish to remove this signatory

[Remove](#)

Signature		Date	
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Name (Print/Typed)		Registration Number	
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Click Add if you wish to add additional signatory

[Add](#)

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/spac/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. The United States Patent and Trademark Office (USPTO) collects this information under authority of 5 CFR 339.205. The information in this system of records is used to manage all records of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent. The information obtain is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to nonfederal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of congress working on behalf of an individual; to the Office of Personnel Management (OPM) for personnel research purposes; to National Archives and Records Administration for inspection of records; and to the Office of Management and Budget (OMB) for legislative coordination and clearance. Failure to provide any part of the requested information may result in an inability to process requests for access and information. The applicable Privacy Act System of Records Notice for this information is COMMERCE/PAT-TM-7 Patent Application Files, available at Federal Register /Vol. 78, No. 61 / Friday, March 29, 2013 /Notices 19243. <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>