

§ 1.1

- 1.760 Interim extension of patent term under 35 U.S.C. 156(e)(2).
- 1.765 Duty of disclosure in patent term extension proceedings.
- 1.770 Express withdrawal of application for extension of patent term.
- 1.775 Calculation of patent term extension for a human drug, antibiotic drug or human biological product.
- 1.776 Calculation of patent term extension for a food additive or color additive.
- 1.777 Calculation of patent term extension for a medical device.
- 1.778 Calculation of patent term extension for an animal drug product.
- 1.779 Calculation of patent term extension for a veterinary biological product.
- 1.780 Certificate of extension of patent term.
- 1.785 Multiple applications for extension of term of the same patent or of different patents for the same regulatory review period for a product.
- 1.790 Interim extension of patent term under 35 U.S.C. 156(d)(5).
- 1.791 Termination of interim extension granted prior to regulatory approval of a product for commercial marketing or use.

Subpart G—Biotechnology Invention Disclosures

DEPOSIT OF BIOLOGICAL MATERIAL

- 1.801 Biological material.
- 1.802 Need or Opportunity to make a deposit.
- 1.803 Acceptable depository.
- 1.804 Time of making an original deposit.
- 1.805 Replacement or supplement of deposit.
- 1.806 Term of deposit.
- 1.807 Viability of deposit.
- 1.808 Furnishing of samples.
- 1.809 Examination procedures.

APPLICATION DISCLOSURES CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

- 1.821 Nucleotide and/or amino acid sequence disclosures in patent applications.
- 1.822 Symbols and format to be used for nucleotide and/or amino acid sequence data.
- 1.823 Requirements for nucleotide and/or amino acid sequences as part of the application papers.
- 1.824 Form and format for nucleotide and/or amino acid sequence submissions in computer readable form.
- 1.825 Amendments to or replacement of sequence listing and computer readable copy thereof.

APPENDIX A TO SUBPART G TO PART 1—SAMPLE SEQUENCE LISTING

APPENDIX B TO SUBPART G TO PART 1—HEADINGS FOR INFORMATION ITEMS IN § 1.823

37 CFR Ch. I (7–1–98 Edition)

AUTHORITY: 35 U.S.C. 6 and 23, unless otherwise noted.

SOURCE: 24 FR 10332, Dec. 22, 1959, unless otherwise noted.

EDITORIAL NOTE: In Patent and Trademark Office publications and usage the part number is omitted from the numbers of §§ 1.1 to 1.352 and the numbers to the right of the decimal point correspond with the respective rule numbers.

Subpart A—General Provisions

GENERAL INFORMATION AND CORRESPONDENCE

§ 1.1 Addresses for correspondence with the Patent and Trademark Office.

(a) Except for § 1.1(a)(3) (i) and (ii), all correspondence intended for the Patent and Trademark Office must be addressed to either “Commissioner of Patents and Trademarks, Washington, DC 20231” or to specific areas within the Office as set out in paragraphs (a) (1), (2) and (3)(iii) of this section. When appropriate, correspondence should also be marked for the attention of a particular office or individual.

(1) *Patent correspondence.* All correspondence concerning patent matters processed by organizations reporting to the Assistant Commissioner for Patents should be addressed to “Assistant Commissioner for Patents, Washington, DC 20231.”

(2) *Trademark correspondence.* All correspondence concerning trademark matters, except for trademark-related documents sent to the Assignment Division for recordation and requests for certified and uncertified copies of trademark application and registration documents, should be addressed to “Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.” This includes correspondence intended for the Trademark Trial and Appeal Board.

(3) *Office of Solicitor correspondence.* (i) Correspondence relating to pending litigation required by court rule or order to be served on the Solicitor shall be hand-delivered to the Office of the Solicitor or shall be mailed to: Office of the Solicitor, P.O. Box 15667, Arlington, Virginia 22215; or such other address as may be designated in writing in the litigation. See §§ 1.302(c) and

2.145(b)(3) for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit.

(ii) Correspondence relating to disciplinary proceedings pending before an Administrative Law Judge or the Commissioner shall be mailed to: Office of the Solicitor, P.O. Box 16116, Arlington, Virginia 22215.

(iii) All other correspondence to the Office of the Solicitor shall be addressed to: Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231.

(iv) Correspondence improperly addressed to a Post Office Box specified in paragraphs (a)(3) (i) and (ii) of this section will not be filed elsewhere in the Patent and Trademark Office, and may be returned.

(b) Letters and other communications relating to international applications during the international stage and prior to the assignment of a national serial number should be additionally marked "Box PCT."

(c) Requests for reexamination should be additionally marked "Box Reexam."

(d) Payments of maintenance fees in patents and other communications relating thereto should be additionally marked "Box M. Fee."

(e) Communications relating to interferences and applications or patents involved in an interference should be additionally marked "BOX INTERFERENCE."

(f) All applications for extension of patent term and any communications relating thereto intended for the Patent and Trademark Office should be additionally marked "Box Patent Ext." When appropriate, the communication should also be marked to the attention of a particular individual, as where a decision has been rendered.

(g) [Reserved]

(h) In applications under section 1(b) of the Trademark Act, 15 U.S.C. 1051(b), all statements of use filed under section 1(d) of the Act, and requests for extensions of time therefor, should be additionally marked "Box ITU."

(i) The filing of all provisional applications and any communications relating thereto should be additionally marked "Box Provisional Patent Application."

NOTE: Sections 1.1 to 1.26 are applicable to trademark cases as well as to national and international patent cases except for provisions specifically directed to patent cases. See §1.9 for definitions of "national application" and "international application."

(Pub. L. 94-131, 89 Stat. 685)

[46 FR 29181, May 29, 1981, as amended at 49 FR 34724, Aug. 31, 1984; 49 FR 48451, Dec. 12, 1984; 52 FR 9394, Mar. 24, 1987; 53 FR 16413, May 9, 1988; 54 FR 37588, Sept. 11, 1989; 60 FR 20220, Apr. 25, 1995; 61 FR 56446, Nov. 1, 1996]

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

§1.3 Business to be conducted with decorum and courtesy.

Applicants and their attorneys or agents are required to conduct their business with the Patent and Trademark Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and will be returned by the Commissioner's direct order. Complaints against examiners and other employees must be made in correspondence separate from other papers.

[61 FR 56446, Nov. 1, 1996]

§1.4 Nature of correspondence and signature requirements.

(a) Correspondence with the Patent and Trademark Office comprises:

- (1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and
- (2) Correspondence in and relating to a particular application or other proceeding in the Office. See particularly