

## Retirement of Electronic Filing System - Application Body Extensible Markup Language (EFS-ABX) and Electronic Packaging and Validation Engine (ePAVE) Components

Since October 2000, the Office has provided Extensible Markup Language (XML) based electronic filing software including two client-side components. Those components are: (1) EFS-ABX for patent application specification authoring, and (2) ePAVE for form generation, validation, and submission to the Office. However, EFS-ABX and ePAVE have not been widely adopted by the patent community. Accordingly, in March 2006, the Office introduced EFS-Web, which is a web-based electronic filing system through which applicants transmit application documents in Portable Document Format (PDF). EFS-Web has been much more widely adopted than the XML-based solution. Further, EFS-Web filings are simpler for the Office to process than XML filings submitted through ePAVE. Accordingly, the Office will retire EFS-ABX and ePAVE on November 1, 2006.

An upgraded version of the EFS-Web electronic filing system will be deployed on October 14, 2006. The upgrade will for the first time provide users with the ability to electronically file through EFS-Web sequence listings, computer program listings, and tables as well as the following four types of eighteen-month publication documents:

1. copies of amended versions of patent applications submitted for publication under 37 CFR 1.215(c);
2. copies of redacted versions of patent applications submitted for publication under 37 CFR 1.217(b);
3. copies of patent applications submitted for early publication under 37 CFR 1.219; and
4. copies of patent applications submitted for voluntary publication or republication under 37 CFR 1.221(a).

Once EFS-ABX and ePAVE are retired on November 1, 2006, users will no longer be able to submit any documents through ePAVE and thus will not have the option of complying with Office electronic filing system requirements by electronically submitting documents via ePAVE. However, the upgraded version of EFS-Web that will be deployed October 14, 2006, supports the filing of all types of documents that could previously be filed through ePAVE with the exception of assignment documents. Accordingly, beginning November 1, 2006, users will only be able to electronically file assignment documents through the Electronic Patent Assignment System (ePAS). Users should especially note that the four types of eighteen-month publication documents listed above, which prior to the deployment of the upgraded version of EFS-Web on October 14, 2006, can only be filed through ePAVE, will have to be submitted via the EFS-Web electronic filing system beginning November 1, 2006 when EFS-ABX and ePAVE are retired. In addition, any documents electronically filed through the Office electronic filing system including any sequence listings, computer program listings, or tables will also be required to be submitted via EFS-Web beginning November 1, 2006.

Users are reminded that 37 CFR 1.52(f)(2) provides that the paper size equivalent of the specification and drawings of an application submitted via the Office electronic filing system will be considered to be seventy-five percent of the number of sheets of paper present in the specification and drawings of the application when entered into the Office file wrapper after being rendered by the Office electronic filing system for purposes of determining the application size fee required by 37 CFR 1.16(s). Further, any sequence listing in compliance with 37 CFR 1.821(c) or (e), and any computer program listing in compliance with 37 CFR 1.96, submitted via the Office electronic filing system will be excluded when determining the application size fee required by 37 CFR 1.16(s) if the listing is submitted in ASCII text as part of an associated file.

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