

Section 19. MISCELLANEOUS

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19-1. Procedure in Cases Seized by the
Alien Property Custodian

Two carbon copies of all Office actions will be mailed to the Alien Property Custodian and if there is an attorney of record residing in the United States, a copy will also be mailed to him.

If the attorney of record withdraws in a case which has been seized, the examiner will notify the Alien Property Custodian of such withdrawal, and if the application is awaiting response to an Office action the examiner will also notify the Alien Property Custodian of this fact together with the date when response is due.

In all cases in which a copy of an Office action is mailed to the Alien Property Custodian, an appropriate notation to that effect will be placed on the original.

19-2. Examiners May Not Testify as Patent Experts

Inasmuch as public policy does not permit examiners to decide, as judges in the Patent Office, questions upon which they have been retained to give opinions as expert witnesses in patent cases in the courts, every examiner who shall testify as an expert in a patent case pending in any court will be dismissed, unless he shall have so testified involuntarily, upon compulsion by competent judicial authority, and without retainer or preparation.

19-3. Former Examiner Not to Practice for
Two Years Before Division to Which
He was Assigned

No member of the examining corps upon resigning will be registered to practice before the Patent Office, unless he agrees not to prepare or prosecute applications in any of the classes examined in the division to which he was assigned until two years from the date his resignation takes effect.

Examiners tendering their resignations will be required to sign the following statement before their resignations will be approved:

I hereby agree not to prepare or prosecute, nor to aid in the preparation or prosecution, of any application in any class or classes examined in any division in the Patent Office to which I

was assigned, until two years after the date of my severance from that division, or until two years after the date of transfer of any such class or classes from that division; this shall not include any invention of my own unless it conflicts with an application on file prior to my resignation or discloses some feature of such application not otherwise open to the public.

19-4.

The Official Gazette

The Official Gazette, (Rule 2.2) which appears every Tuesday, contains the name and address of the applicant, and of the assignee, if any, the filing date, and serial number of the application, the patent number, the title of the invention, the number of patent claims, and the class and sub-class, one of the figures of the drawing (if any), and one or more claims, of every patent in a week's issue. In the case of a reissue patent there are published the additional data of the serial number and date of the original patent and original application; and in the case of the design patent, the term of the patent.

Trade-marks published to afford opportunity for filing notice of opposition and Trade-Mark Registrations Granted are also printed in the Gazette.

The above material forms the body of the Gazette; but as this is the only official publication of the Office, the first few pages of the Gazette are devoted to other matters, such as; important communications from abroad, notices to parties the Office has been unable to reach by mail, disclaimers, adverse decisions in interferences, a statement of the condition of work in the Patent Office, changes in Rules, disbarments of attorneys, and selected decisions of the Board of Appeals, of the Commissioner of Patents, and of the United States Courts, and all of the decisions in patent cases of the Court of Customs and Patent Appeals and of the D. C. Court of Appeals, together with a list of adjudicated patents and notices of patent suits. These pages, in addition to appearing in the bound volume of each number of the Gazette, are published in leaflet form and for separate distribution. One of these O.G. leaflets is placed on each examiner's desk when the Official Gazette is published.

The subject matter of the leaflets is arranged by one of the Law Examiners, but the arrangement of the indexing of the Gazette is done by the Issue and Gazette Branch.

19-5.

Commissioner's Decisions

The decisions are collected and published in annual volumes of Commissioner's Decisions. (See Rule 2.4)

19-6.

Records Kept in Examining Divisions

The principal record book in the examining division is the Register of Patent Applications in which are listed the applications that have been assigned to the division identified by name of applicant, title of invention, serial number and filing date. Notation of attorney and assignee is also made where such facts exist. The record also shows the name of the assistant examiner to whom the examination is entrusted and the class and subclass of prior art considered most pertinent for search, the history of each case in the matter of the successive actions taken in that division, and finally the patenting or abandonment or transfer of the case.

The examiners' pending case file, entitled "Joker Book" in the Clerical Operations Manual, in book or card form, contains a list of cases, identified by application number and filing or amended date, awaiting action on each examiner's desk.

The "Action Book", also described in the Clerical Operations Manual, contains a list of examiner's completed actions.

Records are also kept of all cases on appeal, including those awaiting examiner's statement as well as those forwarded, cases involved in interference, secret cases, dual prosecution cases temporarily in or out of the division, cases involving classification questions or requirements of division, and applications or patents borrowed.

19-7. Reports Rendered by the Examining Divisions

Weekly Work Report

For the Weekly, Monthly, and quarterly Work Reports and the Semi-Annual Inventory see Sections 60-66 inclusive of the Clerk's Manual.

19-7-1. What Should be Counted as Actions

For those items that the Examiners should receive credit as actions see Sections 2-2.1 of the Clerk's Manual.