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7. RECEIPT AND HANDLING OF MAIL AND PAPERS

7-1. Administrative Branches

Patent applications are received by the Application Branch, where they are inspected to insure essential sufficiency as to form prior to consideration by the patent examiners. The Application Branch also receives amendments and other correspondence pertaining to pending applications and distributes them to the various examining divisions.

7-1-1. Depositing Papers

The application having been prepared and executed, it can be sent to the Patent Office by mail or express, or can be delivered by hand.

(For a discussion of the parts of an application, and of entries made on the file wrapper, see Section 8 and Section 10-17.)

Amendments reach the Office by mail, or in Washington they may be deposited in the Application Branch or in a box which is kept at the northeast entrance to the Patent Office on weekdays except on Saturdays when it is placed at the main entrance.

No papers are received in the Patent Office on legal holidays or Sundays.

7-1-2. Depositing Papers By Hand

When the application is delivered by hand, the Financial Officer receives the fee, notes the fact of its receipt on the papers, and forwards the application papers to the Mail Branch which sends them to the Application Branch together with those received by mail or express.

The box above mentioned is left open until twelve o'clock midnight, when it is closed by the watchman. The key is held by the mail clerk, and he has the box opened at 8:30 o'clock in the morning of the following business day, and the contents are stamped as received on the day of deposit. All telegrams and special delivery letters received after Office hours are deposited in this box.

7-1-3. Depositing Papers Post Office

A pouch for the Patent Office mail is kept at the Post Office (Rule 1.7). The mail clerk of the Patent

Office sends to the Post Office for the Mail at the close of Office hours. This is brought to the Patent Office, and stamped as of that day. Ordinary mail arriving at the Post Office thereafter will not be received at the Patent Office until the next business day.

7-1-4. Serial Number and Filing Receipt

Each application which meets the formal requirements as to completeness is immediately given a serial number and a filing date. Since the serial numbers are limited to six digits, a new series is started from time to time. It is therefore important, when referring to application files, to identify them by their filing dates as well as by serial number.

The Application Branch mails a receipt to the applicant for each application filed, giving the serial number and filing date.

In the Application Branch the application papers, with the exception of the drawing, are placed in a jacket and the data hereinafter listed are placed thereon. (See Sec. 10-17.)

7-1-5. Register of Applications

The Chief of the Application Branch assigns the application to the examining division to which he thinks it belongs. A list of all applications arranged by serial numbers as well as an alphabetically arranged card index of the applications is kept by the Application Branch and the identification of the Division to which each application is sent is made part of this record.

7-1-8. "Office Date" Stamp of Receipt

In whatever manner an application or any part thereof, or an amendment, letter, or other paper is received by the Office, the date of its receipt is at once stamped thereon by the Application or Mail Branch. The stamp employed for this purpose is referred to as the "Office Date" stamp. When stamped on the papers of an application, if the application is complete, this date is the same as the "filing date" of the application, and established for the applicant the date of constructive reduction to practice of his invention.

7-1-9. Determination of
Completeness of Original Application

If the application papers are too informal to warrant their being forwarded to the proper examining division, they

are not given a serial number, but the case is held in the Application Branch as an incomplete application and the applicant is informed of the shortcomings of the papers.

Such fatal informality may consist in the omission of any one of the component parts of an application except the petition (See Sec. 8), failure of notary to sign the jurat, execution of oath before a notary who has power of attorney in the case, failure to present any claim, insufficient fee, etc.

If the informality consists in a failure to add to the usual fee of thirty dollars, the dollar for each claim over twenty, the applicant is informed of that fact and the application is given as its filing date, the date of the receipt by the Office of the additional fee, or of an amendment cancelling the claims in excess of the number covered by the fee.

If the oath and one of the other component parts of the application are properly signed by the applicant, his failure to sign the other parts will not of itself defeat acceptance as a complete application. Under Rule 8.7 an application if executed on the "Approved Single Signature Form" required only a single signature.

7-1-12. Return of Incomplete Application

If a request is made, the parts of the incomplete application are returned to the applicant; otherwise, the papers are retained in the Application Branch for twelve months, and then sent to the abandoned files. They may be used by applicant as part of a complete application if the missing parts are later supplied. See Rule 8.2.

Whatever fee has been paid is returned to the applicant at the end of twelve months, if no steps have meanwhile been taken, looking to completion of the application.

7-1-13. Drafting Branch

The drawing is sent to the Drafting Branch to be inspected for formal compliance with the rules. If satisfactory, it is stamped "Approved, Draftsman, U. S. Patent Office" together with the date on the back of each sheet.

If the drawings are so informal that they may not serve for examination purposes, the Draftsman writes in lead pencil on the face of the drawing "Inf." (Informal). If the drawings are informal, but may be admitted for examination purposes the Draftsman adds to his endorsement of "Inf." the letters "A.F.E." (Admit for Examination).

The drawings are then returned to the Application Branch.

Where the drawing is endorsed "Inf." only, the Application Branch writes the applicant that the application is incomplete and will not be given a date and serial number until a proper drawing is filed. If the drawing is endorsed "Inf." accompanied by the endorsement "A.F.E." it is accepted for examination. See 8-9-30.

7-1-14.

Distribution

The Application Branch has permanent prints made of the drawings of all complete applications and secures the prints in the file wrappers. The drawings and files are then assembled and forwarded to the proper examining divisions.

In the exceptional case where an application without a drawing is given a filing date and the examiner subsequently requires a drawing, or where for any other reason a new sheet or drawing is added by amendment, a print of such drawing is made and forwarded to the division to be placed in the file as an official paper.

The Mail Branch receives those applications which arrive by mail or express. The fee is forwarded by that Branch to the Finance Officer, after entry on the application papers and in a record book; while the petition, specification, oath, and power of attorney, if there be one, are sent to the Application Branch. If a model is filed, it is taken to the Model Room with identification card attached.

When the amendments reach the Application Branch they are assorted according to the Divisions to which they belong, and each morning these amendments, together with such new applications as have been received, are collected and sent to the respective divisions.

7-1-15.

Papers Sent to Wrong Divisions

Drawings, amendments and other papers that are delivered to divisions to which they do not belong must be promptly returned to the Application Clerk, who will immediately refer to the application books, and assign the papers to the proper division. (Order 1552)

7-2.

EXAMINING DIVISION

7-2-1.

Immediate Inspection of Amendments

When the amendments reach the divisions to where they belong, they are put in the files to which they

pertain, and the files with the unentered amendments are placed on the Primary's desk for his inspection and such penciled comments as he may wish to note on the margin of the amendatory papers. (See 10-16-3)

Steps to transfer an application, should be taken promptly on receipt of any amendment thereto which makes the transfer proper in accordance with the transfer procedure of sections 7-2-3 and 11-4-7.

7-2-2. Transfer of Improperly
Classified Application

The Primary Examiners have full authority to accept any application submitted to them that they believe is properly classifiable in a class in their division. Only where there is a difference of opinion amongst Primary Examiners, should cases be submitted to the Examiner of Classification.

7-2-3. New Case: Transfer Before Entry

Upon receiving an application from the Application Branch and before entering it upon the register, each examiner will forthwith decide whether it has been properly assigned to his division. See 11-4-11 and 11-4-13. If in his opinion the application does not belong to his Division he will submit it to the examiner of the Division to which he thinks it belongs.

If the latter agrees to accept the application, the examiner to whom the application was originally sent has it entered in a Note Book, or in the index only, of the "Register of Pending Applications," together with a notation as to the Division to which it is transferred. The details of the transfer are set forth in the Manual of Clerical Operations.

7-2-4. New Case: Not Accepted by Other Division

If, however, no other Division will accept the new application the clerk makes a complete entry in the "Register of Pending Applications"; and the Primary Examiner submits for transfer in accordance with the transfer procedure outlined in 11-4-7.

7-2-5. Classification and
Assignment to Assistant Examiner

Every application, new or amended and including the drawings if any, when first assigned to a division must be classified and assigned to an assistant examiner.

The Principal Examiner assigns them to his assistants, noting in lead pencil in the upper left-hand corner of the file, the class, and sub-class, to which the case pertains, and also the numeral of the desk or the initials of the examiner to whom the case is assigned for examination.

The clerk of the Division records the class and sub-class on the original drawing and the photographic print thereof, inserts the page and book number of the application in the blank space provided on the file wrapper and also writes this datum and the number of sheets of drawing on the margin of the first sheet of drawing in accordance with instructions in Manual of Clerical Operations.

7-2-6.

Transfer of Application;
Notifying Application Branch

Hereafter, applications may be transferred direct from one division to another without being forwarded through the Application Branch, the receiving division to give the customary receipts. The forwarding division shall make the appropriate endorsements on the file wrappers and drawings and furnish Application Branch a notice (Form 567) for each application transferred.

7-2-6.1.

Transfer of an
Entire Class or Subclass

Where an entire class or subclass is transferred from one division to another, a list (original and two carbons) of all pending applications transferred therewith, designating the respective Divisions from which and to which transferred, must be prepared by the examiner transferring the class or subclass. The original is sent to the Application Division and one carbon sent to the division receiving the class.

7-2-7.

Recording Amendments

The files and amendments are turned over to the clerk, whose duty it is to enter the amendments. The clerk stamps the amendment with the date of its receipt in the division.

The date stamp employed by the Division clerk is called the "Division date" stamp, and indicates the date on which the particular paper was received in the examining division. The date indicated by the "Division date" stamp is usually several days later than that indicated by the "Office date" stamp. It is important to observe the distinction between the two date stamps. The "Office date" stamp, placed in the upper left-hand corner, should always be referred to in writing to the applicant with regard to

his amendment.

7-4.

Mail

The stenographer mails a carbon copy of each letter and action written by the examiners, after approval by the primary examiner. Details relating to the typing, dating, entry, etc., of examiners' letters are treated in 10-9-18, 10-9-21.

7-4-3.

Undelivered Mail

Letters are sometimes returned to the Office because the Post Office has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the letter again, after stamping it "remailed" with the date thereof and redirecting it if there be any reason to believe that the letter would reach applicant at such new address. These facts should be noted on the file copy of the letter. The six months running against the application begins with the date of remailing. (Ex parte Gourtoff, 1924 C.D. 153; 329 O.G. 536.)

If the Office is not finally successful in delivering the letter, it is placed, with the envelope, in the application, which is filed away with the pending files, eventually to be sent to the Abandoned Files storage room.