

Board of Patent Appeals and Interferences

Noncompliant Appeal Briefs



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Chief Administrative Patent Judge

United States Patent and Trademark Office

Board Conference

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Noncompliant Appeal Briefs

The Chief Judge of the Board of Patent Appeals and Interferences or his designee will have the sole responsibility for determining whether appeal briefs filed in patent applications comply with the applicable regulations, and will complete the determination before the appeal brief is forwarded to the examiner for consideration. The Patent Appeal Center and the examiner will no longer review appeal briefs for compliance with the applicable regulations.



Noncompliant Appeal Briefs

To assist appellants in complying with the applicable regulations, the BPAI has posted checklists for notices of appeal and appeal briefs and a list of eight reasons why appeal briefs have been previously held to be noncompliant, on the USPTO Web site at

http://www.uspto.gov/ip/boards/bpai/procedures/guidance_noncompliant_briefs.jsp.



Noncompliant Appeal Briefs

Top eight reasons why appeal briefs do not comply with the applicable regulations –
37 C.F.R. §§ 41.33, 41.37



Noncompliant Appeal Briefs

1. Missing or defective statement identifying related appeals and interferences –
Rule 41.37(c)(1)(ii)

Includes all prior and pending appeals, interferences and judicial proceedings



Noncompliant Appeal Briefs

2. Missing or defective statement of the status of claims – Rule 41.37(c)(1)(iii)

Status of all claims in application – rejected, allowed, withdrawn, objected to, canceled



Noncompliant Appeal Briefs

3. Missing or incomplete statement of the status of amendments filed subsequent to final rejection – Rule 41.37(c)(1)(iv)



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4. Missing or incomplete summary of claimed subject matter – Rule 41.37(c)(1)(v)

Map claims to specification and drawings. Citations must be to specification as filed, or, if amended, as amended. Citations to pre-grant publication (published application) are not permitted.



Noncompliant Appeal Briefs

5. Missing or incomplete claims appendix – Rule 42.37(c)(1)(viii)



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6. Untimely filed evidence – Rule 41.33(d)

After filing notice of appeal, evidence can be filed only if it overcomes all rejections (as determined by examiner) and good reason exists why it was not filed earlier.



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7. Missing evidence appendix – Rule 41.37(c)(1)(ix)

Copies of all evidence submitted pursuant to
Rules 1.130, 1.131 or 1.132



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8. Missing related proceedings appendix – Rule 41.37(c)(1)(x)

Copies of decisions rendered by a court or
the Board in any related proceedings

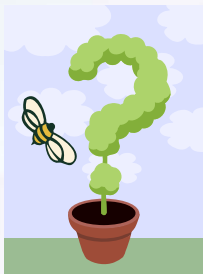


Noncompliant Appeal Briefs

Appellant notified of reasons for non-compliance and given a time period to file an amended brief to overcome reasons for non-compliance. Failure to file a proper amended brief can result in dismissal of appeal – Rule 41.37(d)



State of the Board



Questions

