41040 Federal Register / Vol. 60, No. 155 / Friday, August 11, 1995 / Proposed Rules

1.501 to 1.570, and of reexaminations filed on or after January 1, 1996, in Subpart H, §§ 1.901–1.997; of interferences in Subpart E; §§ 1.601 to 1.690; of extension of patent term in Subpart F, §§ 1.710 to 1.785; and of trademark applications §§ 2.11 to 2.189.

3. Section 1.6(d)(5) is proposed to be revised to read as follows:

## §1.6 Receipt of correspondence.

\*

(d) (5) A request for reexamination under §1.510 or §1.913.

\* \* \* \* \* \* 4. Section 1.11(c) is proposed to be revised to read as follows:

\*

#### §1.11 Files open to the public.

\*

\*

(c) All requests for reexamination for which the fee under 1.20(c) has been paid, will be announced in the Official Gazette. Any reexaminations at the initiative of the Commissioner pursuant to 1.520 or 1.929 will also be announced in the Official Gazette. The announcement shall include at least the date of the request, if any, the reexamination request control number of the Commissioner initiated order control number, patent number, title, class and subclass, name of the inventor, name of the patent owner of record, and the examining group to which the reexamination is assigned.

5. Section 1.17 (l) and (m) are proposed to be revised to read as follows:

# §1.17 Patent application processing fees.

\* \* \*

(l) For filing a petition:(1) For the revival of an unavoidably abandoned application under 35 U.S.C.

111, 133, 364, or 371,
(2) For delayed payment of the issue fee under 35 U.S.C. 151, or,

(3) For the revival of an unavoidably terminated reexamination proceeding:

By a small entity (§ 1.9(f))......55.00 By other than a small entity .....110.00

(m) For filing a petition:

(1) For revival of an unintentionally abandoned application,

(2) For the unintentionally delayed payment of the fee for issuing a patent, or

(3) For reexamination proceedings filed on or after January 1, 1996, for the revival of an unintentionally terminated reexamination proceeding:

By	a smal	605.00							
By other than a small entity1,210.00									
*	*	*	*	*					

6. Section 1.20(c) is proposed to be revised to read as follows:

## §1.20 Post issuance fees.

\* \* \* \* \*

(c) For filing a request for reexamination (§ 1.915(a)):

By	a pater	it own	\$4,500.00		
Вy	a third	party	reques	ster	\$11,000.00
*	*	*	*	*	

7. Section 1.25(b) is proposed to be revised to read as follows:

## §1.25 Deposit accounts.

\* \* \* \* \* \* (b) Filing, issue, appeal, international-

type search report, international application processing, petition, and post-issuance fees may be charged against these accounts if sufficient funds are on deposit to cover such fees. A general authorization to charge all fees, or only certain fees, set forth in §§ 1.16 to 1.18 to a deposit account containing sufficient funds may be filed in an individual application, either for the entire pendency of the application or with respect to a particular paper filed. An authorization charge to a deposit account the fee for a request for reexamination pursuant to §1.510 or § 1.915 and any other fees required in a reexamination proceeding in a patent may also be filed with the request for reexamination. An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

8. Section 1.26(c) is proposed to be revised to read as follows:

#### §1.26 Refunds.

\* \* \* \* \* \* \* (c) If the Commissioner decides not to institute a reexamination proceeding, for reexaminations filed on or after January 1, 1996, a refund of seventy-five percent (75%) of the fee paid for filing the request for reexamination will be made to the requester. Reexamination requesters should indicate whether any refund should be made by check or by credit to a deposit account.

9. Section 1.112 is proposed to be revised to read as follows:

## §1.112 Reconsideration.

After response by applicant or patent owner (§ 1.111), the application or patent under reexamination will be reconsidered and again examined. The applicant or patent owner will be notified if claims are rejected, or objections or requirements made, in the same manner as after the first examination. Applicant or patent owner may respond to such Office action in the same manner provided in § 1.111, with or without amendment. Any amendments after the second Office action must ordinarily be restricted to the rejection or to the objections or requirements made. The application or patent under reexamination will be again considered, and so on repeatedly, unless the examiner has indicated that the action is final or is an action closing prosecution.

10. Section 1.113(a) is proposed to be revised to read as follows:

## §1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration the rejection or other action may be made final, whereupon applicant's or (for reexaminations filed before January 1, 1996) patent owner's response is limited to appeal in the case of rejection of any claim (§1.191), or to amendment as specified in §1.116. Petition may be taken to the Commissioner in the case of objections or requirements not involved in the rejection of any claim (§1.181). Response to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the response to a final rejection or action must comply with any requirements or objection as to form.

11. Section 1.115 is proposed to be revised to read as follows:

## §1.115 Amendment.

The applicant may amend before or after the first examination and action and also after the second or subsequent examination or reconsideration as specified in §1.112 or when and as specifically required by the examiner. For reexaminations filed before January 1, 1996, the patent owner may amend in accordance with §§ 1.510(e) and 1.530(b) prior to reexamination, and during reexamination proceedings in accordance with §§ 1.112 and 1.116. For reexaminations filed on or after January 1, 1996, the patent owner may amend in accordance with §1.915(c) prior to reexamination, and during reexamination proceedings in accordance with §§ 1.941 and 1.945.

12. Section 1.116(a) is proposed to be revised to read as follows:

#### §1.116 Amendments after final action.

(a) After final rejection or action (§ 1.113) or action closing prosecution (§ 1.949) for reexaminations filed on or after January 1, 1996, amendments may be made cancelling claims or complying with any requirement of form which has been made. Amendments presenting