



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Deputy Commissioner for Patent Operations

**MEMORANDUM**

**DATE:** July 8, 2014

**TO:** All Patent Examiners

**FROM:** *Andrew Faile*  
Andrew Faile  
Deputy Commissioner for Patent Operations

**SUBJECT:** Examination of Reissue Applications

Approximately 1,100 reissue applications are filed annually at the USPTO. Traditionally, these applications have been examined by Patent Examiners in the Technology Centers (TCs). A sizeable number of reexamination proceedings involve a merger with a reissue application, which leads to complications and inconsistencies for both the TCs and the CRU and can adversely affect the CRU's pendency. Further, because of changes brought about by the American Innovation Act (AIA), the nature of reexamination filings has changed. As a result of these considerations, the decision has been made to transfer examination of reissue applications from the TCs to the CRU.

Transitioning reissue work to the CRU will increase resources in the TCs which will enhance TC quality efforts and allow you to focus on quality examination of other applications. While reissue applications are being transferred to the CRU, many reissues in which examination has already begun in the TCs will remain in the TCs through the conclusion of prosecution.

In cooperation with the Patent Office Professional Association (POPA), the following procedures have been developed to implement this transfer:

- (1) You may be contacted to provide assistance regarding searches, technology-specific issues, or reissue examination practice. TC Examiners assisting the Reexamination Specialists with issues related to reissue applications will receive non-production other time using PPEAAM-0000-112036.
- (2) Reissue applications in which no substantial work has been done by a TC Examiner will be transferred to the CRU. This will include undocketed reissue applications, and reissues which are on your docket.
- (3) In the case of docketed reissues in which no office action has been mailed, your SPE will contact you to ascertain whether you have done substantial work on the reissue. In

cases where you have done substantial work, the reissue may be transferred to the CRU if you agree. In this case you may be compensated with an appropriate amount of non-production time for work done on the application.

- (4) Your SPE may contact you if you have a reissue application which has been merged with a reexamination proceeding. These applications may be transferred to the CRU if you agree, regardless of the current status of prosecution of the reissue.
- (5) Other reissue applications on your docket may be transferred to the CRU during prosecution by mutual consent of you, your director and the Director of the CRU. If you have a reissue application on your docket that could appropriately be transferred to the CRU, please bring the application to the attention of your supervisor.

I want thank you for your assistance with this transition and for your efforts at providing a quality examination of all types of applications. As we begin this transition, please contact your SPE or TC Director with any further questions you may have.

cc: Technology Center Supervisory Patent Examiners  
Office of Patent Training  
TC Directors