

The Office Action

The applicant, or his/her attorney or agent is notified in writing of the examiner's decision to issue a patent by an Office "action". The reasons for any adverse action or any objection or requirement are stated in the Office action and such information or references are given as may be useful in aiding the applicant to judge the propriety of continuing the prosecution of his/her application.

If the claimed invention is not directed to patentable subject matter, the claims will be rejected. If the examiner finds that the claimed invention lacks novelty or differs only in an obvious manner from what is found in the prior art, the claims may also be rejected. It is not uncommon for some or all of the claims to be rejected on the first Office action by the examiner; relatively few applications are allowed as filed.

Applicant's Reply

The applicant must request reconsideration in writing, and must distinctly and specifically point out the supposed errors in the examiner's Office action. The applicant must reply to every ground of objection and rejection in the prior Office action. The applicant's reply must appear throughout to be a bona fide attempt to advance the case to final action or allowance. The mere

allegation that the examiner has erred will not be received as a proper reason for such reconsideration.

In amending an application in reply to a rejection, the applicant must clearly point out why he/she thinks the amended claims are patentable in view of the state of the art disclosed by the prior references cited or the objections made. He/she must also show how the claims as amended avoid such references or objections. After reply by the applicant, the application will be reconsidered, and the applicant will be notified as to the status of the claims, that is, whether the claims are rejected, or objected to, or whether the claims are allowed, in the same manner as after the first examination. The second Office action usually will be made final.

Interviews with examiners may be arranged, but an interview does not remove the necessity of replying to Office actions within the required time.

Final Rejection

On the second or later consideration, the rejection or other action may be made final. The applicant's reply is then limited to possibly filing a Request for Continued Examination, appeal in the case of rejection of any claim. Petition may be taken to the Director in the case of objections or requirements not involved in the rejection of any claim. Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each claim so rejected and, if any claim stands allowed, compliance with any requirement or objection as to form. In making

such final rejection, the examiner repeats or states all grounds of rejection then considered applicable to the claims in the application.