

## Overview of Amendments to Application

The applicant may amend the application as specified in the rules, or when and as specifically required by the examiner.

Amendments received in the Office on or before the mail date of the first Office action are called "preliminary amendments," and their entry is governed by 37 CFR 1.115. Amendments in reply to a non-final Office action are governed by CFR 1.111. Amendments filed after final action are governed by 37CFR 1.116 and 37CFR 41.33.

The specification, claims, and drawing must be amended and revised when required, to correct inaccuracies of description and definition or unnecessary words, and to provide substantial correspondence between the claims, the description, and the drawing. All amendments of the drawings or specification, and all additions thereto must not include new matter beyond the original disclosure. Matter not found in either, involving a departure from or an addition to the original disclosure, cannot be added to the application even if supported by a supplemental oath or declaration, and can be shown or claimed only in a separate application.

The manner of making amendments to an application is provided in 37 CFR 1.121. Amendments to the specification (but not including the claims) must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, as provided in the rules.

Replacement paragraphs are to include markings (e.g., underlining and strikethrough) to show all changes relative to the previous version of the paragraph. New paragraphs are to be provided without any underlining. If a substitute specification is filed, it must be submitted with markings (e.g., underlining and strikethrough) showing all the changes relative to the immediate prior version of the specification of record, it must be accompanied by a statement that the substitute specification includes no new matter, and it must be accompanied by a clean version without markings.

No change in the drawing may be made except by permission of the Office. Changes in the construction shown in any drawing may be made only by submitting replacement drawing sheets, each of which must be labeled "Replacement Sheet" in its top margin if replaces an existing drawing sheet. Any replacement sheet of drawings must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet." All changes to the drawings must be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

Amendments to the claims are to be made by presenting all of the claims in a claim listing which replaces all prior versions of the claims in the application. In the claim listing, the status of every claim must be indicated after its claim number after using one of the seven parenthetical

expressions set forth in 37 CFR 1.121(c). "Currently amended" claims must be submitted with markings (e.g., underlining and strikethrough). All pending claims not being currently amended must be presented in the claim listing in clean version without any markings (e.g., underlining and strikethrough).

The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added by amendment or substituted for canceled claims, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented. When the application is ready for allowance, the examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant.

#### Time for Reply and Abandonment

The reply of an applicant to an action by the Office must be made within a prescribed time limit. The maximum period for reply is set at six months by the statute (35 U.S.C. 133) which also provides that the Director may shorten the time for reply to not less than 30 days. The usual period for reply to an Office action is three months. A shortened time for reply may be extended up to the maximum six-month period. An extension of time fee is normally required to be paid if

the reply period is extended. The amount of the fee is dependent upon the length of the extension.

Extensions of time are generally not available after an application has been allowed. If no reply is received within the time period, the application is considered as abandoned and no longer pending. However, if it can be shown that the failure to prosecute was unavoidable or unintentional, the application may be revived upon request to and approval by the Director. The revival requires a petition to the Director, and a fee for the petition, which must be filed without delay. The proper reply must also accompany the petition if it has not yet been filed.