

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Petitions Practice and Statistics

Jason Olson, Acting Deputy Director, Office of Petitions

Kristen Matter, Petitions Examiner, Office of Petitions

September 13, 2022

Business Methods Customer Partnership Meeting

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Delegation of Authority – 37 CFR 1.181(g)

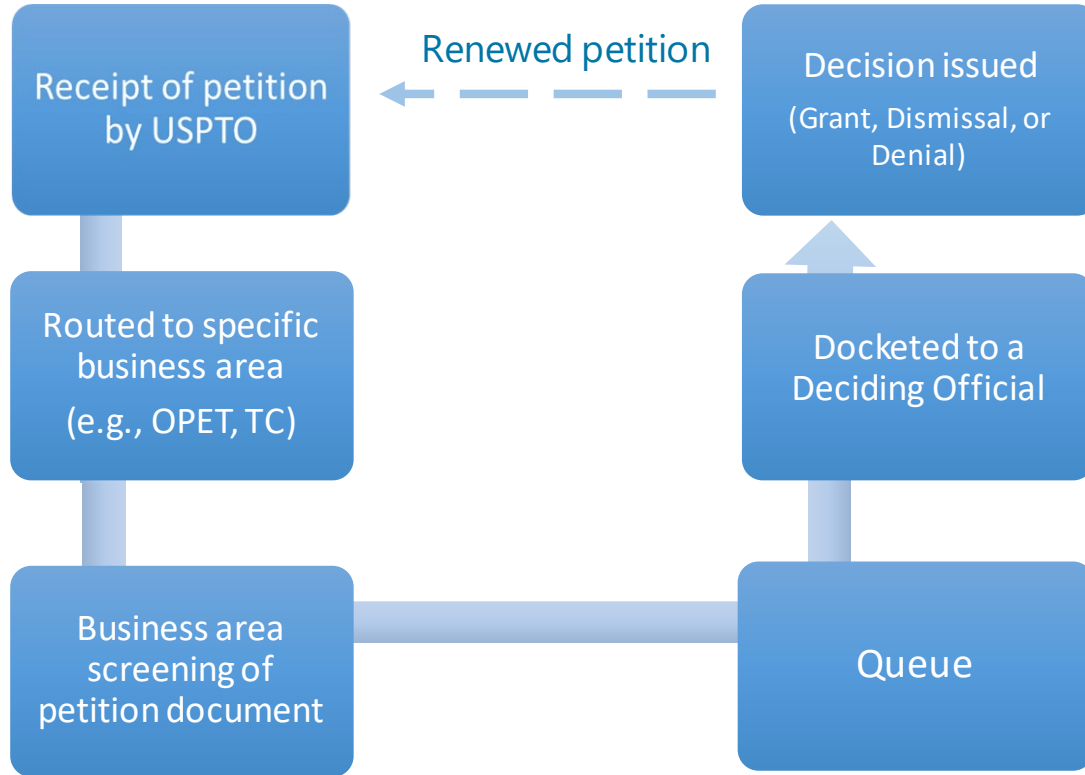
The authority to decide petitions to the Director of the USPTO not otherwise delegated, has been delegated to various Office officials such as:

- Deputy Commissioner for Patents who oversees the Office of Petitions (OPET)
- Technology Centers
- Office of Patent Application Processing (OPAP)
- International Patent Legal Administration (IPLA)

See MPEP 1002.02.



# Petitions Process



# Office of Petitions

- Centralized office for deciding most petitions, including those signed by the Commissioner for Patents or other top USPTO officials
- Reviews and decides:
  - Over 40 types of petitions (see MPEP 1002.02(b))
  - Approximately 40,000 petitions per year
- Petitions Help Desk



# Petitions Statistics

## Office of Petitions

	FY20 Statistics		FY21 Statistics	
Petition Type	Decided	Grant Rate	Decided	Grant Rate
Track 1	12,660	95.8%	14,182	94.2%
PPH	8,368	77.5%	7,123	78.5%
Revivals	7,383	69.6%	7,541	66.6%
Special based on age/health	1,602	93.8%	1,693	92.5%
Perfecting benefit claim	1,477	52.6%	1,197	45.8%
Total Petitions	44,810	78.3%	43,682	77.1%



# Patents Dashboard – Petition Data

[Home](#) > [Data Visualization Center](#) > [Patents Dashboard](#) > [Petition Data](#)

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## Petition Data May 2021

### Frequently Filed Petitions in the Office of Petitions

Petition Type	Avg Days Pending of Decided Petitions in the Past 12 Months	Grant Rate Percent of Total Petitions Decided in the Past 12 Months
To Make Entity Status Large from Small	106	79%
To Join Track One (Prioritized Examination)	44	94%
To Join Patent Prosecution Highway (PPH)	35	78%

### E-Petitions and Non-E-Petitions Data

Petition Type	Total E-Petitions Decided/Filed in Past 12 Months	Average Days Pending of E-Petitions	Grant Rate Percent of Total E-Petitions Decided in the Past 12 Months	Total Non-E-Petitions Decided in the Past 12 Months	Average Days Pending of Non-E-Petitions Decided in the Past 12 Months	Grant Rate Percent of Total Non-E-Petitions Decided in the Past 12 Months
To Make Application Special on Grounds of Age or Health	2342	0	100%	1,536	23	92%
Revival based on Unintentional delay in abandoned application	953	0	100%	5,559	69	69%



# Office of Petitions website

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## Petitions

Application process

- Search for patents
- Learn about patent classification
- Filing online
- Checking application status
- Responding to Office actions
- Petitions**
- Patent Trial and Appeal Board

Petitions regarding the filing of patent applications, revival of abandoned applications, reinstatement of expired patents, withdrawal of patent applications from issue, small entity entitlement, review of previous decisions of the Technology Centers, suspension of regulations, questions not specifically provided for by regulations, and other petitionable matters are administered by the Office of Petitions within the [Office of Patent Examination Policy](#).

To learn more about the organization and operation of the Office of Petitions, please see the [Office of Petitions page](#).

- [Patents Petitions Timeline](#)
- [Resource information and reference materials](#)
- [Frequently asked questions \(FAQs\)](#)
- [Announcements and upcoming events](#)
- [Contact us](#)

## Patents Petitions Timeline

Access the [Patents Petitions Timeline](#) page to determine what types of petitions can be filed with the Office during each stage of the patent prosecution. The Patents Petitions Timeline provides applicants access to petitions that can be submitted during each stage of patent prosecution process and information related to each specific petition and deciding office. Also, the timeline provides information on both the historical grant rates and the pendency of deciding petition.





**Helpful petitions practice tips**

# Helpful tips: Document codes

Petitions that are filed without the proper document code can result in delays in processing the petition.

- Use of “letter” or “miscellaneous” codes can cause delays unless someone reviews and identifies these papers as a petition and notifies the appropriate office of the petition.
- “PET.OP” is the most frequently used document code for most petitions handled by the Office of Petitions.

# Helpful tips: Petitions are NOT a response

- Petitions are not a response to an Office action!
- Petitions do not stop the time running against an applicant for filing a response to an Office action.
- Even if applicant is asking for review of the decision by the Office of Petitions, a response must be filed before the period for reply expires or the application will become abandoned.

# Helpful tips: To avoid abandonment

- **Terminal disclaimers including eTerminal disclaimers:**
  - If the only remaining rejection in an Office action is an obviousness-type double patenting rejection, a complete response is either a reply by the applicant showing that the claims subject to the rejection are patentably distinct from the reference claims or filing of a terminal disclaimer in accordance with 37 CFR 1.321 in the pending application(s) with a reply to the Office action.
  - Filing a terminal disclaimer by itself does not obviate the need to respond under 37 CFR 1.111.
- **Interview summaries:**
  - All business with the U.S. Patent and Trademark Office should be transacted in writing under 37 CFR 1.2.
  - Verbal agreements do not constitute a formal response.
  - For example, if an examiner indicates a new Office action will be mailed out or that the replacement drawings satisfy a previously raised objection in an interview, this needs to be indicated in writing in the record.
- **Check for outstanding requirements:**
  - E.g., Notice of Allowance: if the box is checked on the Notice of Allowance summary sheet indicating that corrected drawings (as “replacement sheets”) must be submitted, the applicant needs to send in a response.



# Helpful tips: Oath/declaration


- Oath/declaration
  - Applicant can now defer filing the inventor's oath/declaration until the application is in condition for allowance. However, an application is abandoned by law if an oath/declaration, or a substitute statement, executed by or with respect to each inventor is not filed by the time the issue fee is paid.
    - As time goes on, it may become difficult to obtain all the necessary signatures (e.g., inventor may refuse to sign).
    - May need to file a substitute statement
  - An RCE filed in a National Stage (35 U.S.C. 371) application is improper if a compliant oath or declaration for each originally named inventor has not been filed.

# Helpful tips: Benefit and Priority Claims

- Benefit/priority claims:
  - Ensure benefit/priority information is properly listed in the application data sheet (ADS).
  - Promptly review the filing receipt to verify accuracy of benefit/priority information.
  - Using web-based/corrected web-based ADS can help ensure that benefit/priority information is correctly entered into the ADS and changes are properly marked-up.
  - Avoid petitions for unintentionally delayed benefit/priority claims, which can be costly and can cause prosecution delays.

# Helpful tips: Petition submission

## Getting your petition to the Office of Petitions:

- ePetition -  GET IMMEDIATE DECISIONS
- Patent Electronic Filing System
- Mail to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- Central fax – (571) 273-8300
- Deliver to Customer Service Window at Randolph Building
- ONLY FOR PETITIONS TO WITHDRAW FROM ISSUE (in addition to the options listed above): Fax to the Office of Petitions at (571) 273-0025

# Helpful tips: Call centers

- Office of Petitions Help Desk
  - (571) 272-3282
- IPLA (PCT Legal) Help Desk
  - (571) 272-4300
- Pro Se Assistance
  - 1-866-767-3848
- Inventor Assistance Center (IAC)
  - 1-800-786-9199 or (571) 272-1000
- Fee Assistance
  - 1-800-786-9199
- Other support numbers
  - [www.uspto.gov/patent/contact-patents](http://www.uspto.gov/patent/contact-patents)







# Thank you!

Jason Olson

[jason.olson@uspto.gov](mailto:jason.olson@uspto.gov)

(571) 272-7560

Kristen Matter

[kristen.matter@uspto.gov](mailto:kristen.matter@uspto.gov)

(571) 272-5270

[www.uspto.gov](http://www.uspto.gov)