



Press Release > USPTO Identifies New Applicability Date of Certain Provisions in "Claims and Continuations" Final Rule

PRESS RELEASE

CONTACT: Jennifer Rankin Byrne
Phone: (571) 272-8400 or
jennifer.rankin_byrne@uspto.gov

August 04, 2008
#08-33

USPTO Identifies New Applicability Date of Certain Provisions in "Claims and Continuations" Final Rule

Washington, D.C. - In a notice published in the *Federal Register* today, the United States Patent and Trademark Office (USPTO) alerted the public to a new applicability date of regulatory provisions dealing with related applications in the "Claims and Continuations" Final Rule. This Final Rule was permanently enjoined by the district court in *Tafas v. Dudas* on April 1, 2008, and the decision is currently on appeal to the U.S. Court of Appeals for the Federal Circuit.

The *Federal Register* Notice alerts stakeholders that, should the injunction be removed, the requirements of the rule that deal with related applications [37 CFR 1.78(f)(1) and (f)(2)] will apply only to applications filed **on or after** any new future effective date that would be published by the USPTO following a lifting of the injunction. Previously, these requirements were also to be applied to patent applications that had been filed prior to the effective date.

Aware that some applicants may be anticipating a removal of the injunction, the USPTO wishes to notify the public as soon as possible of a change in the applicability date of provisions pertaining to related applications so applicants do not undertake unnecessary preparatory actions to comply with these provisions.

"Our primary duties are to ensure quality and efficiency. This change to the (f)(1) and (f)(2) applicability dates, while delaying aspects of the rule's quality and efficiency effects, should allay some concerns regarding applicant requirements in the interim," said Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO Margaret J. A. Peterlin.

The notice is currently available on the *Federal Register* Web site and at www.uspto.gov.

###