



New U.S. Patent Application Flowcharts

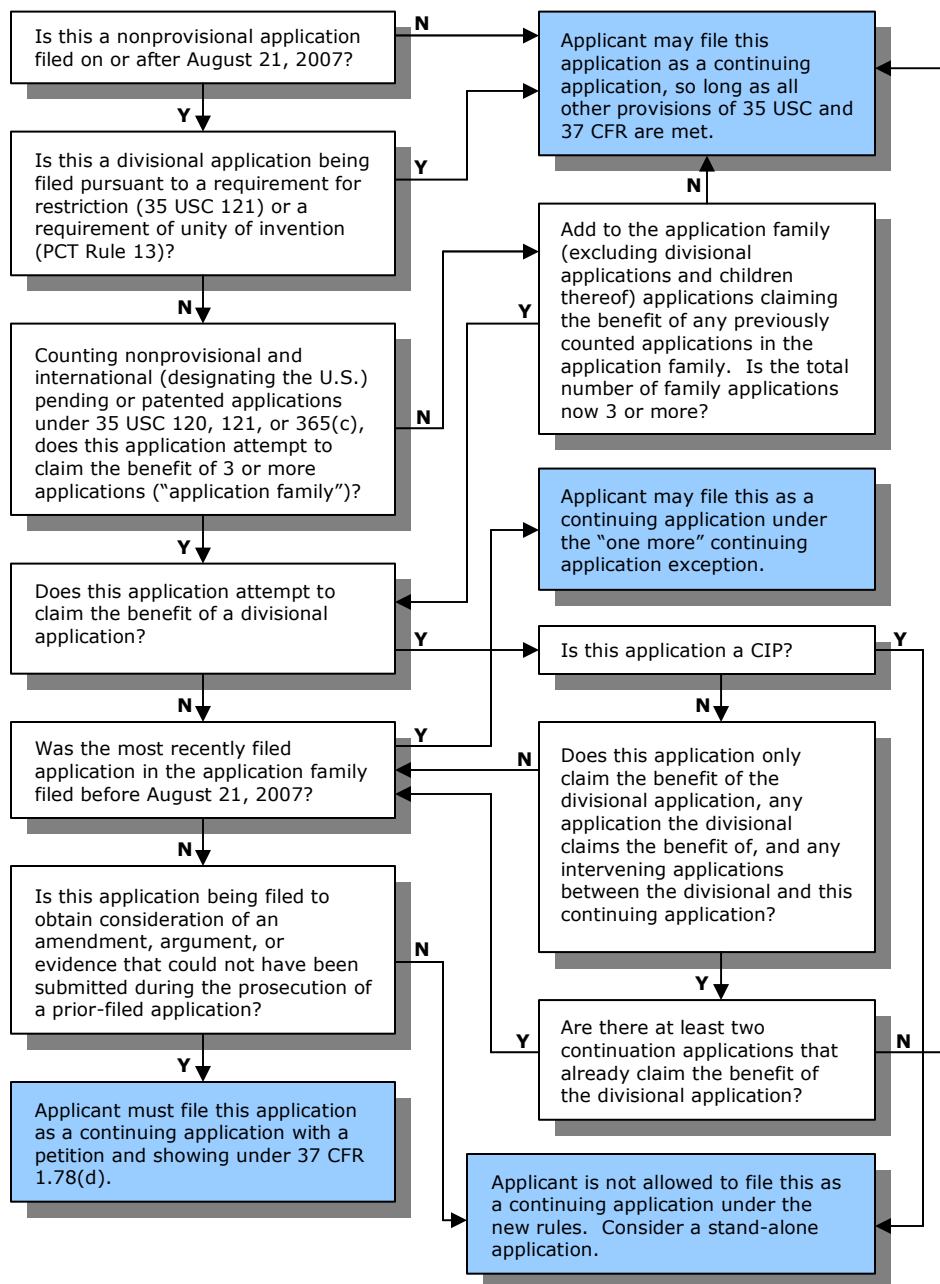
37 CFR 1.78(a)(1): A continuing application is a nonprovisional or international (designating the U.S.) application that claims the benefit under 35 USC 120, 121, or 365(c) of a prior-filed nonprovisional or international (designating the U.S.) application. A continuing application can be: a divisional application; a continuation application; or a continuation-in-part (CIP) application (but not an RCE).

37 CFR 1.78(d) and 1.114: Applicants may file, as of right, 2 continuation or CIP applications and 1 RCE in an application family.
Applicants may file, as of right, 2 continuation applications (but no CIPs) and 1 RCE in a divisional application family.
Applicants may file, as of right, "one more" continuing application in an application family with all apps. filed before Aug. 21, 2007.

37 CFR 1.75(b): Applicants may present, as of right, 5 independent claims and 25 total claims (5/25 claims) in a nonprovisional application.

CAN A CONTINUING APPLICATION BE FILED?

Assumption: one or more applications have been filed and an applicant desires to file a new continuing application claiming the benefit of at least one of the filed applications.



CAN AN RCE BE FILED?

Applicant may file an RCE under 37 CFR 1.114 in this application, without a petition:

If an RCE has not been previously filed in any of:

- A) this application;
- B) any application whose benefit is claimed under 35 USC 120, 121, or 365(c) in this application; or
- C) any application that claims the benefit under 35 USC 120, 121, or 365(c) of this application, excluding any divisional application and any subsequent application claiming the benefit of the divisional;

OR

If this application is a divisional, or a continuation that claims the benefit of a divisional, and an RCE has not been previously filed in any of:

- A) this divisional application;
- B) this continuation application; or
- C) any application that claims the benefit under 35 USC 120, 121, or 365(c) of such divisional or continuation application, excluding any subsequent divisional application and any application claiming the benefit of the divisional.

Otherwise, applicant must include a petition under 37 CFR 1.114(g) with a showing that the amendment, argument, or evidence sought to be entered could not have been submitted prior to the close of prosecution in this application.

Unlimited RCEs may be filed in an application family before Nov. 1, 2007, but will count toward the new 'one RCE per application family' limit after Nov. 1, 2007.

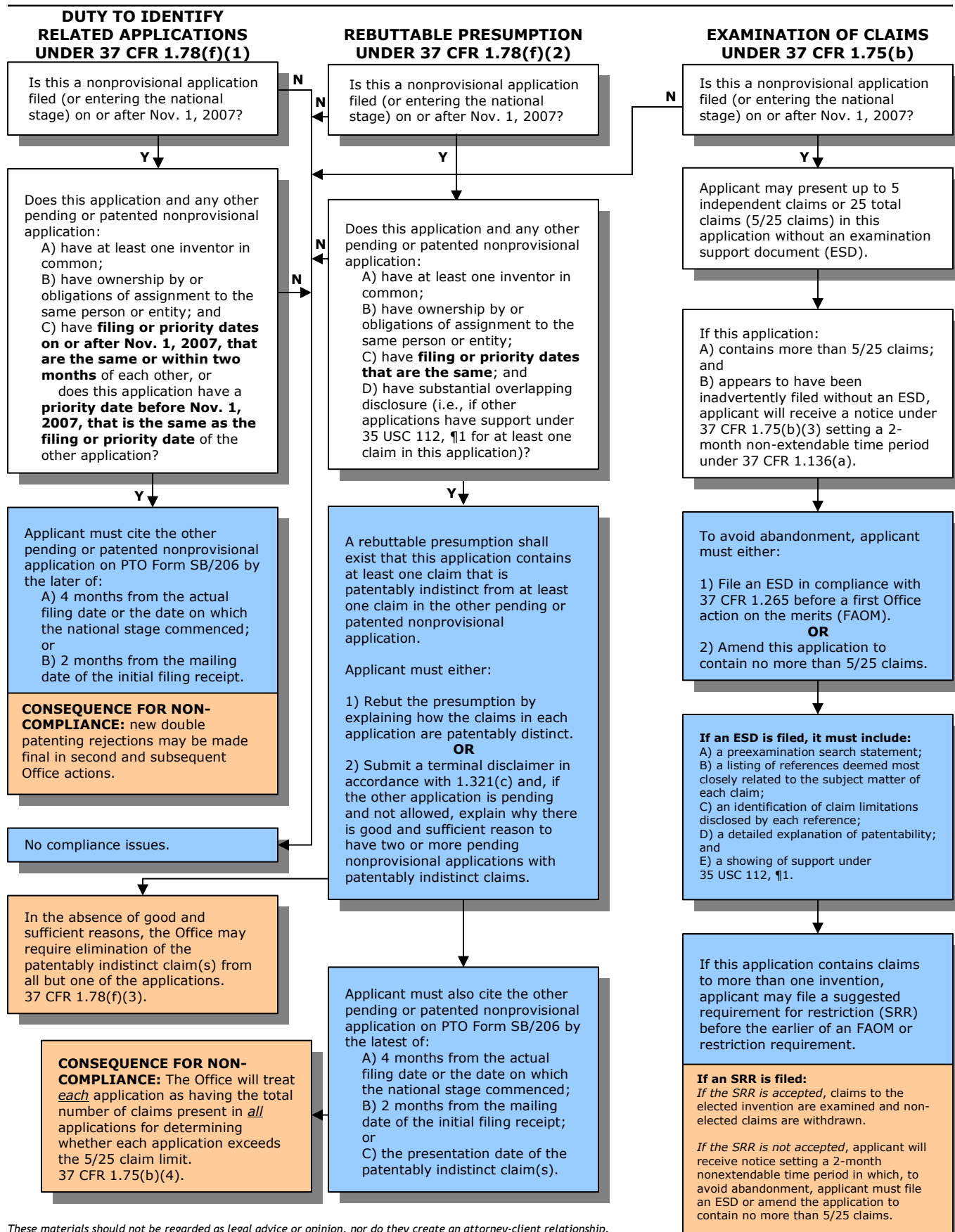
37 CFR 1.78(d)(1) exceptions:

- If this application (above) attempts to claim the benefit under 35 USC 120 or 365(c) of:
- (1) an international application in which a Demand and the basic national fee have not been filed; or
 - (2) a nonprovisional application abandoned in preexamination with no other benefit claim,
- then this application may claim the benefit of an application in a family having at most 2 other applications.



Compliance Flowcharts for Applications Filed On or After November 1, 2007

AUG. 21, 2007 USPTO CONTINUATION / EXAMINATION RULES

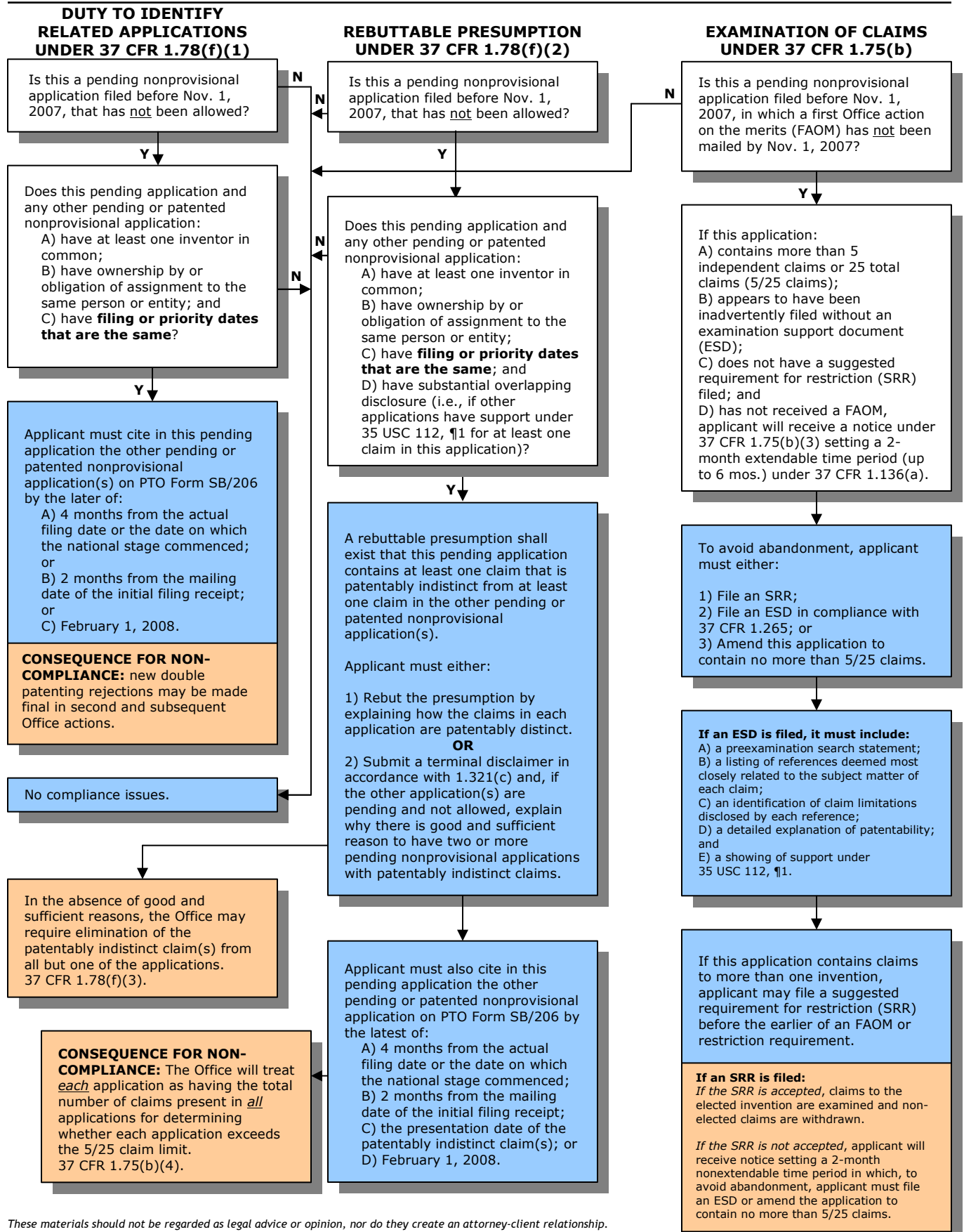


These materials should not be regarded as legal advice or opinion, nor do they create an attorney-client relationship. Please contact your attorney for legal advice pertaining to your individual circumstances. Rev. 2007-11-6



Compliance Flowcharts for Applications Pending Before November 1, 2007

AUG. 21, 2007 USPTO CONTINUATION / EXAMINATION RULES



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