

General Requirements Bulletin
for Admission to the
Examination for Registration
to Practice in Patent Cases
Before the
United States Patent and Trademark Office



www.uspto.gov/web/offices/dcom/gcounsel/oed.htm

General Requirements Bulletin

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GENERAL REGISTRATION INFORMATION

I. RECOGNITION OF ATTORNEYS AND AGENTS - RULES

The regulations governing the recognition of individuals to practice before the United States Patent and Trademark Office (USPTO or Office) in patent cases are set forth in 37 CFR §§ 11.5, 11.6, 11.7, 11.8 and 11.9. Please note that recognition under the regulations reproduced below is limited to representing individuals in patent cases only, not trademark cases. Relevant portions of the regulations are reproduced below.

§ 11.5 Register of attorneys and agents in patent matters.

A register of attorneys and agents is kept in the Office on which are entered the names of all individuals recognized as entitled to represent applicants having prospective or immediate business before the Office in the preparation and prosecution of patent applications. Registration in the Office under the provisions of this Part shall entitle the individuals so registered to practice before the Office only in patent matters.

§ 11.6 Registration of attorneys and agents.

(a) Attorneys. Any citizen of the United States who is an attorney and who fulfills the requirements of this Part may be registered as a patent attorney to practice before the Office. When appropriate, any alien who is an attorney, who lawfully resides in the United States, and who fulfills the requirements of this Part may be registered as a patent attorney to practice before the Office, provided that such registration is not inconsistent with the terms upon which the alien was admitted to, and resides in, the United States and further provided that the alien may remain registered only: (1) If the alien continues to lawfully reside in the United States and registration does not become inconsistent with the terms upon which the alien continues to lawfully reside in the United States, or (2) If the alien ceases to reside in the United States, the alien is qualified to be registered under paragraph (c) of this section. See also § 11.9(b).

(b) Agents. Any citizen of the United States who is not an attorney, and who fulfills the requirements of this Part may be registered as a patent agent to practice before the Office. When appropriate, any alien who is not an attorney, who lawfully resides in the United States, and who fulfills the requirements of this Part may be registered as a patent agent to practice before the Office, provided that such registration is not inconsistent with the terms upon which the alien was admitted to, and resides in, the United States, and further provided that the alien may remain registered only: (1) If the alien continues to lawfully reside in the United States and registration does not become inconsistent with the terms upon which the alien continues to lawfully reside in the United States or (2) If the alien ceases to reside in the United States, the alien is qualified to be registered under paragraph (c) of this section. See also § 11.9(b).

(c) Foreigners. Any foreigner not a resident of the United States who shall file proof to the satisfaction of the OED Director that he or she is registered and in good standing before the patent office of the country in which he or she resides and practices, and who is possessed of the qualifications stated in § 11.7, may be registered as a patent agent to practice before the Office for the limited purpose of presenting and prosecuting patent applications of applicants located in such country, provided that the patent office of such country allows substantially reciprocal privileges to those admitted to practice before the Office. Registration as a patent agent under this paragraph shall continue only during the period that the conditions specified in this paragraph obtain...

§ 11.7 Requirements for registration.

(a) No individual will be registered to practice before the Office unless he or she has: (1) Applied to the USPTO Director in writing by completing an application for registration form supplied by the OED Director and furnishing all requested information and material; and (2) Established to the satisfaction of the OED Director that he or she: (i) Possesses good moral character and reputation; (ii) Possesses the legal, scientific, and technical qualifications necessary for him or her to render applicants valuable service; and (iii) Is competent to advise and assist patent applicants in the presentation and prosecution of their applications before the Office.

(b)(1) To enable the OED Director to determine whether an individual has the qualifications specified in paragraph (a)(2) of this section, the individual shall:

(i) File a complete application for registration each time admission to the registration examination is requested. A complete application for registration includes: (A) An application for registration form supplied by the OED Director wherein all requested information and supporting documents are furnished, (B) Payment of the fees required by § 1.21(a)(1) of this subchapter, (C) Satisfactory proof of scientific and technical qualifications, and (D) For aliens, proof that recognition is not inconsistent with the terms of their visa or entry into the United States.

(ii) Pass the registration examination, unless the taking and passing of the examination is waived as provided in paragraph (d) of this section. Unless examination is waived pursuant to paragraph (d) of this section, each individual seeking registration must take and pass the registration examination to enable the OED Director to determine whether the individual possesses the legal and competence qualifications specified in paragraphs (a)(2)(ii) and (a)(2)(iii) of this section. An individual failing the examination may, upon receipt of notice of failure from OED, reapply for admission to the examination. An individual failing the examination must wait thirty days after the date the individual last took the examination before retaking the examination. An individual reapplying shall: (A) File a completed application for registration form wherein all requested information and supporting documents are furnished, (B) Pay the fees required by § 1.21(a)(1) of this subchapter, and (C) For aliens, proof that recognition is not inconsistent with the terms of their visa or entry into the United States; and

(iii) Provide satisfactory proof of possession of good moral character and reputation.

(2) An individual failing to file a complete application for registration will not be admitted to the examination and will be notified of the incompleteness. Applications for registration that are incomplete as originally submitted will be considered only when they have been completed and received by OED, provided that this occurs within sixty days of the mailing date of the notice of incompleteness. Thereafter, a new and complete application for registration must be filed. Only an individual approved as satisfying the requirements of paragraphs (b)(1)(i)(A), (b)(1)(i)(B), (b)(1)(i)(C) and (b)(1)(i)(D) of this section may be admitted to the examination.

(3) If an individual does not reapply until more than one year after the mailing date of a notice of failure, that individual must again comply with paragraph (b)(1)(i) of this section.

(c) Each individual seeking registration is responsible for updating all information and answers submitted in or with the application for registration based upon anything occurring between the date the application for registration is signed by the individual, and the date he or she is registered or recognized to practice before the Office in patent matters. The update shall be filed within thirty days after the date of the occasion that necessitates the update....

II. REQUEST FOR WAIVER OF THE EXAMINATION FOR FORMER UNITED STATES PATENT AND TRADEMARK OFFICE EMPLOYEES UNDER 37 CFR § 11.7(d)

Former patent examiners who by July 26, 2004 had not actively served four years in the patent examining corps, and were serving in the corps at the time of their separation must consult 37 CFR § 11.7(d)(1) for registration requirements premised on their service as patent examiner.

Former patent examiners who by July 26, 2004 had actively served four years in the patent examining corps, and were serving in the corps at the time of their separation must consult 37 CFR § 11.7(d)(2) for registration requirements premised on their service as a patent examiner.

Certain other former Office employees who were not serving in the patent examining corps upon their separation from the Office must consult 37 CFR § 11.7(d)(3) for registration requirements premised upon their service in the Office.

Former Office employees must meet the scientific and technical training requirements for admission to the registration examination. Former Office employees, including examiners, seeking registration by the waiver must submit the following documents:

- Application for Registration to Practice before the United States Patent and Trademark Office [Form PTO-158],
- Undertaking Under 37 CFR § 11.10(b) [Form PTO-275] (if not previously completed and submitted)
- Application fee as required by 37 CFR § 1.21(a)(1)(i) **or** 37 CFR § 1.21(a)(10). Please make payment by check or money order payable to the Director of the United States Patent and Trademark Office.
- Official Transcripts. Former Office employees may provide a copy of an official transcript on file in the United States Patent and Trademark Office's Office of Human Resources. A USPTO OHR staff member must note that the original is in the former employee's personnel file.

To request waiver of the examination, place an "X" in the appropriate box of the Application for Registration. Please provide documentation showing satisfaction of the requirements of 37 CFR § 11.7(d)(1) or (d)(2) or (d)(3). All relevant documentation must be submitted with the application. Please refer to the Instructions for Applying for Admission to the Examination for additional information.

III. SCIENTIFIC AND TECHNICAL TRAINING REQUIREMENTS FOR ADMISSION TO THE EXAMINATION

An applicant applying for the examination must demonstrate that he or she possesses the scientific and technical training necessary to provide valuable service to patent applicants. *Applicants bear the burden of showing the requisite scientific and technical training.* To be admitted to the examination, each applicant must demonstrate possession of the required scientific and technical training.

A. CATEGORY A

Bachelor's Degree in a Recognized Technical Subject. An applicant will be considered to have the necessary scientific and technical training if he or she provides an official transcript showing that a Bachelor's degree was awarded in one of the following subjects by an accredited United States college or university, or that the equivalent to a Bachelor's degree was awarded by a foreign university in one of the following subjects:

Biology	Physics	Electrochemical
Biochemistry	Textile Technology	Engineering
Botany	Aeronautical	Engineering Physics
Computer Science*	Engineering	General Engineering
Electronics Technology	Agricultural Engineering	Geological Engineering
Food Technology	Biomedical Engineering	Industrial Engineering
General Chemistry	Ceramic Engineering	Mechanical Engineering
Marine Technology	Chemical Engineering	Metallurgical
Microbiology	Civil Engineering	Engineering
Molecular Biology	Computer Engineering	Mining Engineering
Organic Chemistry	Electrical Engineering	Nuclear Engineering
Pharmacology		Petroleum Engineering

*Acceptable Computer Science degrees must be accredited by the Computer Science Accreditation Commission (CSAC) of the Computing Sciences Accreditation Board (CSAB), or by the Computing Accreditation Commission (CAC) of the Accreditation Board for Engineering and Technology (ABET), on or before the date the degree was awarded. Computer science degrees that are accredited may be found on the Internet (<http://www.abet.org>).

An applicant with a Bachelor's degree in one of the above-identified subjects must submit an official original transcript from the college or university. *A diploma, copy of the diploma, or copy of the transcript will not be accepted.* The official original transcript will be accepted from applicants. The college or university transcript must be official/original and include the university stamp or seal.

i. Bachelor's Degrees In Other Subjects: An applicant with a Bachelor's degree in a subject not listed above, such as Biological Sciences, Pharmacy, or Mechanical Technology, must qualify under Category B or Category C below.

ii. Graduate Degrees: An applicant who has a Master's or higher level degree in one of the subject areas listed above, but does not have a Bachelor's degree in such subject, must qualify under Category B or Category C below.

B. CATEGORY B

Bachelor's Degree in Another Subject. An applicant with a Bachelor's degree in a subject other than one of those listed in Category A, must establish that he or she possesses scientific and technical training equivalent to that received at an accredited U.S. college or university for a Bachelor's degree in one of the subjects listed in Category A. To establish such equivalence, an applicant can satisfy one of the following four options, other training, or

other education listed below. The applicant must submit the necessary documentation and objective evidence showing satisfaction of one of the options or other means of qualifying.

i. Option 1: 24 semester hours in physics. Only physics courses for physics majors will be accepted.

ii. Option 2: 32 semester hours in a combination consisting of the following:

- 8 semester hours of chemistry or 8 semester hours of physics, and
- 24 semester hours in biology, botany, microbiology, or molecular biology.
- The 8 semester hours in chemistry or 8 semester hours of physics must be obtained in two sequential courses, each course including a lab. Only courses for science or engineering majors will be accepted.

iii. Option 3: 30 semester hours in chemistry. Only chemistry courses for chemistry majors will be accepted.

iv. Option 4: 40 semester hours in a combination consisting of the following:

- 8 semester hours of chemistry or 8 semester hours of physics, and
- 32 semester hours of chemistry, physics, biology, botany, microbiology, molecular biology, or engineering. (For Computer Science, see other acceptable course work.)
- The 8 semester hours of chemistry or 8 semester hours of physics must be obtained in two sequential courses, each course including a lab. Only courses for science or engineering majors will be accepted. For Computer Science, see other "**Other Acceptable Course Work.**"

All acceptable coursework for Options 2 and 4 must be for science or engineering majors.

v. Transcripts: Official original transcripts are required to establish both the award of a Bachelor's degree and completion of each course relied on to establish scientific and technical training in Category B.

Please note that a diploma, copy of a diploma, or copy of a transcript is not acceptable evidence of a degree. Each applicant must provide an original official transcript from a college or university as evidence of the degree received. An official transcript issued to an applicant will be accepted provided the transcript includes an original university or college stamp or seal. A letter from the registrar specifying a degree or degrees is not acceptable.

Transcripts must show the same name as the application. An applicant who has changed his or her name must submit legal documentation of the name change, such as a marriage certificate or court order.

The transcript must be official and original. However, the applicant may send the transcript.

An applicant instructing a college or university to send transcripts directly to the OED at the USPTO should provide this information in a letter accompanying the application. Applicants are urged to furnish the university or college with a copy of a certificate of mailing (enclosed in this bulletin) and instruct the institution to include a completed and signed certificate of mailing in the envelope with the transcript.

vi. Course Descriptions: For each course relied upon in Options 1, 2, 3, or 4 above, applicants must furnish an official course description which is concurrent with the year in

which the course was taken to accompany the official original transcript. The course descriptions must include:

- Copies of the catalog cover page showing the year, the page(s) describing the requirements for the major and
- Complete pages describing the courses to be considered.

vii. Grades: *Only courses with a grade of C- or better will be accepted.* Please highlight the courses to be considered on the transcripts and course descriptions submitted.

viii. Quarter hour conversion: To convert quarter hours into semester hours, multiply quarter hours by 2/3.

ix. Translations: Certified English translations of foreign language documents, such as transcripts, course descriptions and any other supporting documentation must be furnished for the foreign language documents to be considered.

x. Other Acceptable Course Work: Under Option 4, up to four semester hours will be accepted for courses in design engineering or drafting. Also, under Option 4, computer science courses that stress theoretical foundations, analysis, and design, and include substantial laboratory work, including software development will be accepted. Such courses include the representation and transformation of information structures, the theoretical models for such representations and transformations, courses that provide basic coverage of algorithms, data structures, software design with a laboratory, programming languages with a laboratory, and computer organization and architecture. Other acceptable courses in computer science include artificial intelligence and robotics, networking, linear circuits, logic circuits, operating systems, and software methodology and engineering. However, the courses may not be substituted for the eight semester hours of chemistry or physics required under Option 4.

xi. Typical Non-Acceptable Course Work: The following typify courses that are not accepted as demonstrating the necessary scientific and technical training: anthropology; astronomy; audited courses; behavioral science courses such as psychology and sociology; continuing legal education courses; courses in public health; courses relating technology to politics or policy; courses offered by corporations to corporate employees; courses in management, business administration and operations research; courses on how to use computer software; courses directed to data management and management information systems; courses to develop manual, processing or fabrication skills (e.g. machine operation, wiring, soldering, etc.); courses taken on a pass/fail basis; correspondence courses; ecology; economics of technology; courses in the history of science, engineering and technology; field identification of plants and/or animals; home or personal independent study courses; high school level courses; mathematics courses; one day conferences; patent law courses; paleontology; political science courses; repair and maintenance courses; radio operator license courses; science courses for non-science majors; vocational training courses; and work study programs. Also not accepted are college research or seminar courses where the course content and requirements are not set forth in the course descriptions; and courses that do not provide scientific and technical training in patentable subject matter. Further, not accepted are courses that repeat, or which are substantially the same as, or are lesser-included courses for which credit has already been given.

xii. Other Training: Other factors will also be considered on a case-by-case basis with respect to scientific and technical training. The OED will consider expertise in scientific and

technical training which is equivalent to that of a Bachelor's degree in a subject listed in Category A. An applicant without a degree listed in Category A has the burden of establishing possession of sufficient training and expertise in science or engineering to be equivalent to that of a Bachelor's degree in a subject listed in Category A. Objective evidence demonstrating that training is equivalent to training received in courses accepted under Category A may establish such equivalency.

xiii. Other Education: Other education (e.g., foreign education, academic credit for work experience, military education, life experience, etc.) is acceptable to the extent objective evidence demonstrates the education is equivalent to that received at an accredited U. S. college or university in one of the subjects listed in Category A. For example, such education may be met by one of the following showings:

- a. The specific courses have been accepted for college-level credit in a Category A subject by an accredited U.S. college or university because they would be creditable if the student were to further his or her education at that institution.
- b. The academic credit earned in a Category A subject earned through a special credit program, such as the College Level Examination Program (CLEP), and an accredited college or university has awarded credit.
- c. If credit has been given for life experience, the college or university must identify the course work area(s) or courses in a Category A subject for which the credit is given. Life experience credit for courses that are not identified in its course catalog as part of a college or university's curriculum is not acceptable, unless the college or university is giving credit for course work in a Category A subject that is a prerequisite for more advanced courses in Category A included in its curriculum.
- d. Credit in a Category A subject for home study course work has been granted by a postsecondary institution accredited by the National Home Study Council.
- e. An accredited U.S. State college or university reports the degree from another institution as one whose transcript is given full value, and full value is given in a Category A subject applicable to the curricula at the U.S. State college or university.
- f. The education completed outside the U.S. has been submitted to a private organization that specializes in interpretation of foreign educational credentials and such education has been deemed at least equivalent to that gained in conventional U.S. education programs. The Council on Postsecondary Accreditation may be of some help in providing information on these organizations.
- g. Credits from the United States Department of Agriculture (USDA) Graduate School, or other institutions determined to be equivalent for this purpose, are accepted by an accredited institution on the same basis as study in accredited colleges and universities.

xiv. Military Service: Although the OED will not evaluate and award credit for military service, credit may be granted for technical courses taken pursuant to military training. The applicant has the burden of showing the semester hours credit each course relied upon would be accorded toward a degree at an accredited U.S. University or college. Applicants should consult the *Guide to Evaluation of Educational Experience in the Armed Services*, which is available through the American Counsel on Education, Military Evaluation Program, 1 Dupont Circle, Washington, DC 20036.

C. CATEGORY C

Practical Engineering or Scientific Experience. An applicant relying on practical engineering or scientific experience or who does not qualify under Category A or B above may establish the required technical training by demonstrating that he or she has taken and passed the Fundamentals of Engineering (FE) test. The FE test is a test of engineering fundamentals. The FE test is developed and administered by a State Board of Engineering Examiners in each State or comparable jurisdiction. Neither the USPTO nor any other U.S. Government agency administers the test. Applicants desiring to take the FE test should direct inquiries to the Secretaries of the appropriate State Boards. Official results of the FE test must be submitted to establish qualification under this category. Applicants attempting to qualify under Category C must submit an official original transcript showing the award of a Bachelors degree.

D. INELIGIBLE APPLICANTS

i. Convictions: Applicants convicted of a felony, or a crime involving moral turpitude or breach of trust, are not eligible for registration or to apply for registration during the time of any sentence (including confinement or commitment to imprisonment), deferred adjudication, and period of probation or parole as a result of the conviction and for a period of two years after the date of successful completion of said sentence, deferred adjudication, and probation or parole. See 37 CFR § 11.7(h)(1). Such applicants must file with an Application for Registration the fees required by 37 CFR §§ 1.21(a)(1)(ii) and 1.21(a)(10) of this subchapter. The OED Director will determine whether the person has produced satisfactory proof of reform and rehabilitation, including at a minimum a sufficient period of exemplary conduct. An applicant subject to the provisions of 37 CFR § 11.7(h)(1) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7.

ii. Disciplined Professionals: Applicants who have been disbarred from practice of law or other profession, or who have resigned a professional license in lieu of a disciplinary proceeding, are ineligible to apply for registration for a period of five years from the date of disbarment or resignation. Applicants suspended on ethical grounds from the practice of law or other profession are ineligible to apply for registration until expiration of the period of suspension. An applicant who, in addition to being disbarred, suspended or resigned, also has been convicted of a felony or a crime involving moral turpitude or breach of trust is ineligible to apply for registration until the conditions of both 37 CFR §§ 11.7(h)(1) and 11.7(h)(4) have been fully satisfied. See 37 CFR § 11.7(h)(4). An applicant subject to the provisions of 37 CFR § 11.7(h)(4) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7.

iii. Previously Denied For Lack Good of Moral Character and Reputation: Applicants refused registration for lack of present good moral character and reputation in a USPTO Director's decision, or in the absence of a USPTO Director's decision, in a recommendation of the OED Director and Committee on Enrollment, are ineligible to reapply for registration for two years after the date of the decision, unless a shorter period is otherwise ordered by the USPTO Director. An applicant under investigation for moral character and reputation who elects to withdraw his or her application is ineligible to reapply for registration for two years after the date of withdrawal. See 37 CFR § 11.7(k). Such an applicant must pay the fees required by 37 CFR §§ 1.21(a)(1)(ii) and 1.21(a)(10) upon filing an application, and has the burden of showing his or her fitness to practice. The applicant also must pass the

registration examination even if applicant previously passed the examination. An applicant subject to the provisions of 37 CFR § 11.7(k) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7. For purposes of 37 CFR § 1.21(a)(10), an applicant who withdraws his or her application during an investigation for moral character and reputation will be considered to have obtained a determination by the OED Director under 37 CFR § 11.7.

E. ALL BUSINESS TRANSACTED IN WRITING

All business with the USPTO should be transacted in writing. Personal attendance is unnecessary. The action of OED will be based exclusively on the written record in the Office. 37 CFR § 1.2.

IV. INSTRUCTIONS FOR APPLYING FOR ADMISSION TO THE EXAMINATION

The USPTO moved to a computer-based test delivery system. Candidates for registration to practice in patent cases before the USPTO must apply to the Office of Enrollment and Discipline by completing a registration application form and submitting all required documentation and government fees. A commercial test delivery provider, Thomson Prometric, will administer the computer-based examination. The location of Thomson Prometric test sites and Thomson Prometric test delivery policies are available at the Thomson Prometric web site, www.prometric.com. Thomson Prometric also provides a toll free number (1-800-479-6369) for USPTO registration examination applicants. As an alternative to test administration by Thomson Prometric, a USPTO administered examination will be offered once per fiscal year at a date and location to be determined.

An applicant applying for the examination should carefully review his or her application information and documentation before submitting the application. Applications must be complete for proper review by the Office of Enrollment and Discipline. It is **strongly recommended** that no incomplete application be filed. Facsimile transmissions of applications will not be accepted. See 37 CFR §§ 1.4(e) and 1.6(d)(1).

An applicant seeking admission to the examination for the first time should send the following documents to the Director of the USPTO.

A completed Application for Registration to Practice before the United States Patent and Trademark Office [Form PTO-158]

\$40.00 non-refundable application fee as required by 37 CFR § 1.21(a)(1)(i)

-or-

\$1600.00 non-refundable fee if required pursuant to 37 CFR § 1.21(a)(10)

\$200.00 registration examination fee to the United States Patent and Trademark Office for test administration by a commercial entity. [37 CFR § 1.21(a)(1)(ii)(A)] (Application and registration examination fee(s) may be paid with one check or credit card authorization)

-or-

\$450.00 registration examination fee to the United States Patent and Trademark Office for test administration by the USPTO. [37 CFR § 1.21(a)(1)(ii)(B)] (The application fee and the registration examination fee may be paid with one check or credit card authorization)

Official original transcripts

Course descriptions (Category B only)

All other required documentation (information upon which applicant relies to demonstrate qualifications to sit for the examination)

- Aliens must provide a copy of all documents submitted to and received from the BCIS

Because there is no longer a filing deadline, **applicants are strongly encouraged to gather all information and documentation before submitting an application.** *Applicants applying under Category B must submit all course descriptions and any other documentation **with** the application. Aliens must submit all required information and documentation **with** the application.*

Note: All notifications sent by the Office of Enrollment and Discipline will include a USPTO identification number (USPTO ID number). The USPTO ID number should be used when corresponding with the Office of Enrollment and Discipline. The USPTO ID number is critical for identifying an applicant, and must be used on all correspondence the applicant submits to OED after the USPTO ID number has been provided to the applicant

Applications will be reviewed first for completeness, and then for sufficiency of scientific and technical training. An application is incomplete if it is missing information in the application form, missing fees, missing transcripts, or missing other required documentation. Once all missing information and documentation is noted, OED will evaluate the application to the extent possible for sufficiency of the information presented.

The Office of Enrollment and Discipline will notify applicants by letter if additional information or documentation is required to complete the application and the extent to which applicant meets or falls short of the required scientific and technical qualifications, *i.e.*, whether the application is sufficient to allow admission. Applicants must provide the requested or additional documents and information within 60 days from the mail date of the notice.

A reply to a notice of incomplete or insufficient application must bear an applicant's original signature. See 37 CFR § 1.4(e). Replies by facsimile transmission are therefore not acceptable. If the application continues to be incomplete or insufficient following submission of additional information or documents, the application will be disapproved. Applicants failing to respond within the 60-day period will also be disapproved. Upon disapproval of an application, the Office of Enrollment and Discipline will notify the applicant by letter that will provide a detailed explanation for the disapproval. The registration examination fee will be refunded to a disapproved applicant in due course; the \$40 application fee is not refundable. The fees from one application will not be deferred to another application.

An applicant dissatisfied with disapproval of an application may, upon payment of the fee required by 37 CFR § 1.21(a)(5)(i), petition the Director of Enrollment and Discipline for review of the decision. See 37 CFR § 11.2(c). The petition must bear an applicant's original signature. See 37 CFR § 1.4(e). Facsimile transmissions therefore are not acceptable. The petition and any additional documentation and information must be submitted within 60 days of the date of the notice of disapproval for a further review of qualifications. If the timely filed additional documentation or information is not satisfactory to conclude that the applicant possesses the required qualifications, a final decision by the OED Director will be sent by letter to the applicant. The registration examination fee will be refunded to applicant in due course; the \$40.00 application fee is not refundable. The fees from one application will not be deferred to another application. Any petition submitted after 60 days will be dismissed as untimely.

The final decision by the Director of Enrollment and Discipline refusing admission to the registration examination may be reviewed upon petition to the Director of the United States

Patent and Trademark Office pursuant to 37 CFR § 11.2(d). Review by the USPTO Director requires the filing of a petition to the USPTO Director, payment of the fee set forth in 37 CFR § 1.21 (a)(5)(ii), and must be filed within 60 days of the final decision of the Director of OED. Any petition submitted after 60 days will be dismissed as untimely.

A. METHODS FOR TIMELY REPLYING TO NOTICE OF INCOMPLETENESS OR DISAPPROVAL; AND FOR TIMELY FILING A PETITION

Three methods for timely filing a reply or petition are presented below. Applicants should refer to the applicable rules and portions of the Manual of Patent Examining Procedure (MPEP) for more detailed information on filing at the USPTO.

i. First Class Mail or Hand-Delivery: A reply to a notice of incompleteness or disapproval, or a petition sent by first class mail or hand carried is stamped as received by the USPTO on the date of receipt. See 37 CFR § 1.6. Therefore, replies or petitions should be mailed sufficiently in advance to be received on or before the deadline. Hand carried mail to the Office of Enrollment and Discipline will be received only during public hours (8:30 AM to 5:00 PM). For hand-delivery or delivery by courier, applicants may obtain the street address for OED by calling 703-306-4097.

ii. Certificate of Mailing Procedure under 37 CFR § 1.8: A reply to a notice of incompleteness or disapproval may be filed using the certificate of mailing procedure set forth in 37 CFR § 1.8. Because facsimile transmission of registration applications is not accepted, a certificate of transmission may not be used. See 37 CFR §§ 1.4(e) and 1.6(d)(1). The information or documentation will be considered as being timely using the certificate of mailing procedure if all requirements of 37 CFR § 1.8 are satisfied. A sample certificate of mailing is included in the back portion of this General Requirements Bulletin.

iii. Express Mail: 37 CFR § 1.10 provides that express mail may be used to file papers with the USPTO. The date of deposit, shown by the "date-in" on the Express Mail mailing label, is the effective date. Therefore, applicants using Express Mail must have a "date-in" recorded by a U.S. Postal Service employee on the Express Mail mailing label that is on or before the filing deadline.

B. INSTRUCTIONS FOR COMPLETING APPLICATION FORM PTO 158

Complete the application form in permanent ink, computer, or typewriter; not pencil. 37 CFR § 1.4(e). Facsimiles of applications **will not** be accepted. See 37 CFR § 1.6(d)(1).

Read These Instructions: The entire application and General Requirements Bulletin, and all other applicable forms, should be read thoroughly before proceeding to complete the application form.

This is a continuing application. All information provided in the application must be reported in writing. 37 CFR § 1.2. All changes to the application, including changes of address, must be signed and dated, and cannot be accepted by telephone, facsimile transmission, or e-mail. 37 CFR § 1.4(e). 37 CFR § 11.7(c) specifies the time for reporting changes. **OED should be notified of all changes within thirty days of occurrence.** All updates should refer to the relevant question in the application to which the change applies, and must provide all details relative the information sought by the question. **Applicants**

must continue to update their application until registered to practice before the USPTO in patent cases, and should retain copies of all updates submitted to the USPTO.

i. Line-by-Line Instructions

Line 1a. Provide your **complete** legal name, including first, middle and last names. Correspondence will be conducted using your complete name. **SUPPLY YOUR COMPLETE MIDDLE NAME, NOT MIDDLE INITIAL.** Complete legal names must be provided to avoid confusion between people having the same first name, middle initial and last name. Failure to comply with this instruction will result in an application being incomplete. At the end of line 1a, check the special accommodations box **only if** a request for the same is attached along with supporting documentation.

Line 1b. Provide your name **exactly** as it appears on **valid, current** government-issued photo identification, such as a driver's license, passport, or resident alien card. The same valid government identification must be presented for admission to the examination. Admission to the examination **will be denied** if the government-issued photo-identification is invalid for any reason at the time it is presented for admission, e.g., expiration of a license or passport, or if there is any difference between the name on the photo-identification and the name given on line 1b.

Lines 1c-1g. Whether employed, unemployed or a student, you must enter the address where the Office of Enrollment and Discipline can communicate with you during the day between 8:30 a.m. and 5 p.m. Eastern time. If we are to communicate with you at a business, the name and address of the business must be furnished.

Government Employees: If you are an officer and/or employee of the United States Government, including an employee of the USPTO, in lines 1b through 1g, enter the name, mailing address and business telephone of the department or agency where you are employed. You may not use your home address or another business address. If you wish notices to be sent to your home address, supply your home address on a separate sheet of paper.

Line 2. Citizenship. Provide the country of your citizenship.

Line 3. Date of Birth. Provide the date of your birth.

Line 4. Place of Birth. Provide the city, state and country where you were born.

Line 5. Visa Classification. If you are a non-immigrant alien, state your visa classification.

Line 6. Permanent Resident. Check "yes" if you are classified as a permanent resident. Check "no" if you have not been classified as a permanent resident.

Line 7. Alien Registration Number. If you have been classified as a permanent resident, provide your alien registration number. Submit a copy of both sides of your permanent resident card.

Line 8a. Application Fee. Check the appropriate box for the required application fee. Applicants should carefully review the provisions of 37 CFR §§ 11.7(h) and 11.7(k) to determine whether the fee set forth in 37 CFR § 1.21(a)(10) is required. Failure to submit the appropriate application fee may cause disapproval of an application. Applicants subject to the provisions of 37 CFR § 11.7(h)(1), § 11.7(h)(4) and/or 37 CFR § 11.7(k) must submit the fee set forth in 37 CFR § 1.21(a)(10) for each determination by the OED Director regarding good moral character and reputation of the applicant. An applicant that submits the fee set forth in 37 CFR § 1.21(a)(10) but is not admitted to the examination for failing to complete the application or for failing to demonstrate the requisite technical and scientific qualifications, will be refunded the fee less a \$40 application fee. If a fee submitted pursuant to 37 CFR § 1.21(a)(10) has been refunded in whole or in part, or if applicant has received a determination by the OED Director regarding good moral character and reputation, applicant will need to resubmit the fee under § 1.21(a)(10) for any subsequent application. Withdrawal

of an application during the course of an investigation of good moral character and reputation is considered a determination by the OED Director regarding good moral character and reputation.

Line 8b. Registration Examination Fee. Check the appropriate for the government registration examination fee. Please note that Thomson Prometric will charge applicants a separate test administration fee.

Line 9. Former patent examiner or other USPTO employee. Check the appropriate small box on line 9b if you are a former patent examiner or other USPTO employee and seek waiver of the examination under the provisions of 37 CFR § 11.7(d).

Line 10. Passed examination. Check the small box on line 10 if you previously passed an examination, and in the space provided give the date you passed the examination.

Line 11. Reinstatement. Check the small box on line 11 if you are seeking reinstatement, whether your name was inactivated due to government employment, you resigned pursuant to 37 CFR § 10.133, or you were suspended or excluded pursuant to 37 CFR §§ 10.133, 10.130, 10.155(d), or 10.156.

Line 12. Check the small box if you previously applied for admission to the registration examination, whether or not you were admitted to the exam, or sought evaluation of your qualifications. If you previously applied, give the date of the application.

Line 13. Prior registration. Check the small box and give your registration number if you were ever registered to practice in patent cases before the USPTO as an attorney or agent.

Line 14. Bar membership. Check the small box if you are a member in good standing of a court of the United States, or the highest court of a State or Territory of the United States, and list all said courts and corresponding bar membership number(s). Do **not** submit a certificate of good standing from the court with your application. Upon passing the examination, attorneys are required to provide an original certificate of good standing bearing the seal of the highest court of a state to be registered as a patent attorney.

Lines 15 through 22. Moral Character and Reputation. You must answer each question following the instructions preceding line 15. Any doubt about how to answer a question should be resolved in favor of disclosure. Follow the instructions on the application form for submitting an explanation and documents in response to questions 15 through 22 with the application.

Line 23. Education. List all degrees, and attach to the application the official transcripts and official course descriptions (if necessary).

Line 24. Sign and date the application.

Check your application to ensure that **all questions have been answered.

ii. Fees and Method of Payment to the USPTO: All government fees associated with each application for registration will be payable at the time the application is submitted to the USPTO. All payments of money required for the USPTO fees must be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, or United States Postal Service money order. If sent in any other form (including personal checks), the Office may delay or cancel the credit of the payment until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office.

Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information (complete account number and expiration date) as is necessary to process the charge, and is subject to collection of the fee. If the credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. 37 CFR § 1.23 (a) and (b). A form and instructions for using a credit card are

contained in this bulletin. In the form, under "Other Fee," write "Application and Registration Examination fees." The Office currently accepts charges to AMERICAN EXPRESS®, DISCOVER®, MASTERCARD®, and VISA®.

There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution. 37 CFR § 1.21(m).

iii. Nonpayment of Fees: If payment of required fees is refused by a financial institution (including a check returned unpaid) or if a credit card is declined or charged back, the applicant submitting the fee will be refused admission to the examination. If the applicant has been admitted to the examination, notice will be sent withdrawing admission. Examples of nonpayment of fees include recording incomplete or incorrect credit card account number or expiration date, or continued reliance on a canceled credit card. The applicant will be notified of the nonpayment and the amount owed, and will be given a deadline to complete their application by paying the required fees. The applicant will be admitted to the examination only if the fees, together with any processing fee required by 37 CFR § 1.21(m), are paid in full within the time specified.

OED may learn only after the examination is administered that a financial institution has refused payment of fees or that a payment by credit card has been charged back. In these situations, or other situations in which the applicant has taken the examination, registration will be denied. The applicant will be notified of the nonpayment and the amount owed, and will be given a deadline by which the fees must be paid. The registration process will continue after the required fees and the processing fee required by § 1.21(m) have been paid in full.

If an applicant owes funds required by § 1.21(a)(i) and (ii) in regard to a previous application or examination, as well as the fee required by § 1.21(m), the applicant will not be admitted to any future examination unless all fees due have been paid in full. For example, assume that an applicant filed an application with a single check for the \$40.00 application fee and the \$200.00 examination fee; the check was returned unpaid, and the applicant did not take the examination. The next application that is filed must include not only the application and examination fees required for that examination, but also an additional \$90.00. The additional funds constitute the \$40.00 fee required by §1.21(a)(i) for the previous application, and the \$50.00 processing fee required by § 1.21(m) for the returned check. If the applicant had been admitted to the examination (commercial test administration) before the return of the check was discovered, even if he or she did not take the examination, or the applicant took the examination, the applicant must pay \$290.00 in additional fees, *i.e.*, the \$40.00 and \$200.00 fees required by § 1.21(a)(i) and (ii), and the \$50.00 processing fee required by § 1.21(m). The applicant will not be admitted to the examination unless all the fees are paid in full.

Checking and charge accounts should not be closed before the check or charge for payment of the fees has cleared the bank or credit card company.

iv. Transcripts: A diploma, copy of a diploma, or a copy of a transcript is ***not*** acceptable evidence of a degree. Each applicant must provide an original official transcript from a college or university as evidence of the degree received. An official transcript issued to an applicant will be accepted provided the transcript includes an original university or college stamp or seal. A letter from the registrar specifying a degree or degrees is not acceptable.

V. ALIENS

Applicants who are not United States citizens and do not reside in the U.S. are not eligible for registration except as permitted by 37 CFR § 10.6(c). Presently, the Canadian Patent Office is the only Patent Office recognized as allowing substantially reciprocal privileges to those admitted to practice before the USPTO. The registration examination is not administered to aliens who do not reside in the United States.

Aliens residing in the United States may apply to take the registration examination. To be admitted to the examination, an applicant must establish that recognition is consistent with the capacity of employment authorized by the United States Citizenship and Immigration Services (USCIS) (formerly U.S. Immigration and Naturalization Service ("INS")). The evidence must include a copy of both sides of any work or training authorization and copies of all documents submitted to and received from the USCIS regarding admission to the United States and a copy of any documentation submitted to the U.S. Department of Labor. Qualifying non-immigrant aliens within the scope of 8 CFR § 274a.12(b) or (c) are not registered upon passing the examination. Such applicants will be given limited recognition under 37 CFR § 11.9(b) if recognition is consistent with the capacity of employment or training authorized by the USCIS. Documentation establishing an applicant's qualification to receive limited recognition must be submitted with the applicant's application.

Qualifying documentation shows that the USCIS has authorized the applicant to be employed or trained in the capacity of representing patent applicants before the USPTO by preparing and prosecuting their patent applications. Any USCIS approval pending at that time will result in the applicant's application being denied admission to the examination.

VI. NO FILING DEADLINE

There is no filing deadline for submitting the application. Applications are processed throughout the year. An incomplete application, if not timely completed, will result in denial of admission, and will require applicant to file another application and all fees. Fees filed with the incomplete application will not be deferred or applied to the next application. Accordingly, applicants are strongly encouraged to file only a complete application.

VII. MAILING INSTRUCTIONS AND CONFIRMATION OF RECEIPT BY OED

The United States Postal Service mailing address is: Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. For hand-delivery or courier services, applicants may obtain the street address for OED by calling 703-306-4097.

Applicants should make and keep a copy of every document submitted to the Office in connection with an application for registration. Any applicant desiring acknowledgment by or from OED of receipt of an application or other paper must include with the application a self-addressed, postage-paid postcard to be used for this purpose. The postcard should be addressed to the applicant and identify each type of paper filed, e.g. application, oath, transcripts, *etc.* OED will stamp the receipt date on the postcard and place it in the outgoing mail. However, the postcard is not verification that all of those items identified were present with the application. Please do not call the OED regarding the status of applications unless applicant has not received a response four weeks after submitting an application or papers.

VIII. THE APPLICATION PROCESS FOLLOWING ADMISSION TO THE EXAMINATION

After the Office of Enrollment and Discipline receives an application, the fees are processed, the application, information and documentation submitted by the applicant is reviewed for completeness and, to the extent possible, qualifications are evaluated. An applicant may be granted admission to the examination or denied admission to the exam. Denial of admission to the examination may include a determination that the application is incomplete. Applicants who have been approved to sit for the examination will receive an admission letter from OED with further instructions on the registration process.

A. COMMERCIAL TEST ADMINISTRATION

An applicant granted admission to commercial administration of the examination will receive an admission letter with instructions to contact Thomson Prometric and coordinate a date and location for administration of the examination. It is critical that applicants who receive an admission letter carefully review the personal information on the admission letter. The name on the admission letter should be the name given on line 1b of the application form, and will be the name provided to Thomson Prometric for allowing entrance to the examination site.

The Internet web site and telephone number for Thomson Prometric will be shown in the admission letter. The admission letter specifies a 90-day time period during which the applicant should coordinate an exam date with Thomson Prometric and take the examination. After this 90-day time period expires, the applicant will no longer be able to schedule to take the examination and must file a new application and all fees.

i. Examination Locations. The applicant schedules an examination location directly with Thomson Prometric **after** OED has approved an applicant for admission to the examination. Applicants will be required to pay a \$150.00 exam administration fee to Thomson Prometric at the time he or she schedules the examination. Instructions for contacting Thomson Prometric will be provided in the admission letter or e-mail sent to the applicant.

ii. Three Options for Scheduling Examination. Approved applicants will have three options for scheduling the examination with Thomson Prometric. Applicants may schedule over the Internet, call a toll-free number at the Thomson Prometric customer service center, or contact the local testing center. The Thomson Prometric customer service center requires 48 hours lead time for making an appointment through the Candidate Services Contact Center (48 hours means that an appointment made on Monday before noon cannot be for a date earlier than Thursday). This allows Thomson Prometric to staff its centers accordingly.

a. Option 1. Scheduling with Thomson Prometric Over the Internet. Applicants may arrange the test date and testing center, and make payment arrangements, by visiting the Thomson Prometric Internet web site at www.prometric.com and following instructions there.

b. Option 2. Scheduling with Thomson Prometric by Telephone. Applicants may arrange the test date and testing center, and make payment arrangements, by calling the Thomson Prometric Candidate Services Contact Center using the toll-free phone number reserved only for USPTO exam takers at: 800-479-6369. Appointments made by telephone must be scheduled at least 48 hours in advance of the appointment. Applicants calling the Candidate Services Contact Center to make an appointment within the 48-hour window will be referred to the local Thomson Prometric Test Center for scheduling. The applicants can then verify with the center if an exception (an appointment) can be made.

c. Option 3. Walk-In Scheduling. Applicants who walk into a Thomson Prometric testing center may be given an appointment if the OED has submitted an eligibility file for the candidate in advance of the walk-in, and if there is a seat available at the testing center.

iii. Thomson Prometric Fee Collection. Thomson Prometric collects a \$150.00 examination administration fee from each candidate. Thomson Prometric currently accepts Visa®, MasterCard®, and American Express®. Payment is due at the time the testing appointment is scheduled. Thomson Prometric collects no fees at the testing centers. All fees must be paid in advance; applicants will not be permitted to sit for the examination until the \$150.00 examination administration fee has been paid to Thomson Prometric.

iv. What to Bring to the Testing Center. For admission to the examination, an applicant must bring a current, valid State or Federal government issued ID, such as a driver's license or passport, containing both applicant's photograph and signature. A single ID with current photograph and signature will suffice. Applicant's name in the government issued ID must be exactly as it appears on line 1b in the application. An applicant will be denied admission to the examination if the name on the photo ID does not match exactly the name given on line 1b of the application, or if the government issued ID is not valid at the time applicant seeks admission to the testing center. Admission letters will not be accepted for admission to the testing center. No name changes will be permitted at testing centers.

DO NOT BRING the MPEP or other study materials into the testing area or the testing center. An on-line version of the MPEP will be available to applicants during the examination on the same computer monitor used to read and record answers to the examination questions.

v. Testing Center Protocols. Applicants will be required to sign a signature log. An electronic photograph will be taken of each applicant. The date and time that an applicant enters and exits the testing room will be recorded and the signature in the log will be verified against the photo ID. Applicant also must sign the logbook each time he or she exits the testing room and at the conclusion.

Thomson Prometric has extensive test provider experience and has developed a test engine that is readily operated by even inexperienced computer users. A fifteen-minute tutorial is provided prior to start of the examination to familiarize applicants with operation of the test engine. A fifteen-minute survey follows the end of the examination.

Thomson Prometric provides applicants with scratch paper and a pencil. Applicants may not bring their own scratch paper or notes. Other than the scratch paper and pencil provided at the testing center, **no** materials are permitted in the testing room. All scratch paper and the pencil will be collected at the end of the testing session, and the scratch paper will be destroyed. Applicants are not allowed to remove any portion of the scratch paper from the testing center.

There will be an optional timed and scheduled one-hour lunch break. No other timed or scheduled breaks are built into the examination. The applicant may take unscheduled breaks during which the test timing will continue.

Thomson Prometric Test Center Administrators provide continual site proctoring, and the testing area is under continuous video monitoring. Applicants found cheating will be

escorted from the testing area. Cheating may include, but is not limited to, copying or photographing questions or answers, recording answers elsewhere than on the computer, bringing notes into the testing area, leaving the testing area and checking notes located elsewhere before returning to the testing area.

vi. Thomson Prometric's Cancel/Late/No Show Policies. Late-arriving applicants and no-shows will be subject to Thomson Prometric rescheduling and fee policies. Thomson Prometric has no authority to schedule outside the 90-day testing window assigned by OED. The USPTO does not intervene in Thomson Prometric's rescheduling and fee policies.

It is Thomson Prometric's policy to charge 100% of the test fee for any applicant who calls within 48 hours of his or her appointment time to cancel the appointment (for example, an appointment for Thursday cannot be canceled or rescheduled after noon on Tuesday), fails to appear for the examination, or shows up more than 15 minutes late (he or she will be considered a "no show"). If sufficient time remains in the 90-day testing period, an applicant who fails to show for his or her test appointment, arrives more than 15 minutes late, or cancels within 48 hours of their appointment may contact OED in an effort to have his or her eligibility file reset. Eligibility files are not automatically reset. OED will not reset eligibility files for test administration outside the assigned 90-day testing period.

vii. Thomson Prometric's Reschedule Policy. There are two methods by which an applicant may reschedule the examination. An applicant may reschedule through the Internet on the Thomson Prometric web site at www.prometric.com; or an applicant may reschedule by calling the Thomson Prometric toll-free number that has been reserved only for USPTO examination takers at 800-479-6369. It is possible that a testing center may have a technical problem or some other emergency (including weather). If a testing center is unable to provide the examination on the scheduled date, the examination will be rescheduled to the first available appointment of an applicant's choice, with no additional charge.

viii. Applicant New Contact Information. Applicants changing address and/or telephone number must separately notify OED and Thomson Prometric of the same.

ix. Arrival at the Testing Center. Applicants should arrive 30 minutes before the scheduled appointment to allow time for check-in procedures. An applicant arriving late for an examination will not be admitted to or allowed to take the examination. If sufficient time remains in the 90-day testing period, the applicant may contact the Office of Enrollment and Discipline to reestablish his or her eligibility. Applicants who do not appear for the examination on the scheduled date and time forfeit ALL fees previously paid to the United States Patent and Trademark Office. If insufficient time remains in the 90-day test period for applicant's eligibility file to be reset by OED, the applicant must reapply to again be admitted to an examination.

B. USPTO TEST ADMINISTRATION

The USPTO will administer an examination once each fiscal year, on a date to be determined, at a single location in the Alexandria, Virginia area starting in fiscal year 2005. The cost to take the USPTO administered examination is \$450.

IX. FINAL SCHEDULING NOTIFICATION

Applicants will receive correspondence from Thomson Prometric confirming the date applicant is scheduled to take the examination. Applicants should keep Thomson Prometric's confirmation for future reference. Applicants may find it necessary to refer to the correspondence later.

X. TRANSPORTATION AND MEALS

Each applicant is responsible for his or her own transportation to and from the examination site and for his or her own hotel accommodations. Each applicant is also responsible for his or her own eating arrangements.

XI. THE EXAMINATION

All questions on the examination are drawn from the Manual of Patent Examining Procedure. Questions that are based solely on a new version of the MPEP should not appear in an examination for at least 90 days after the new version of the MPEP is released. An announcement will be made by OED to notify the public of the date on which a new version of the MPEP will begin appearing on the examination. Questions that are rendered obsolete upon issuance of a new version of the MPEP will be retired from the question bank. Examination results will be released by OED.

The examination is 100 linear multiple-choice questions in two sessions. Fifty (50) questions will be asked in a three-hour morning session, and fifty (50) questions will be asked in a three-hour afternoon session. Each question has five choices. A total of six hours is permitted for completion of the examination. Applicants receive a single score for the exam. To pass the examination, an applicant must take the complete examination and receive a passing score of 70% on the entire examination. Applicants will initially receive exam results approximately six weeks after testing. "Real-time" results are planned.

Applicants may not bring any documents, materials, machines, or electronic devices (including computers, telephones, recording devices, cameras, and typewriters) into the examination. The MPEP will be available, for reference, on the computer delivering the examination questions. Thomson Prometric will provide a storage locker where items not allowed in the testing area can be secured.

The examination is designed to test an applicant's knowledge of patent laws, rules and procedures as related in the MPEP, and the ability to properly analyze factual situations and properly apply the patent laws, rules and procedures to render valuable service, advice and assistance to patent applicants in the preparation and prosecution of their patent applications. 35 U.S.C. § 2(b)(2)(D). The examination may also include questions dealing with standards of ethical and professional conduct applicable to registered patent attorneys and agents. Before taking this examination, an applicant must be familiar with the patent laws, rules, USPTO rules of practice (Parts 1, 3 and 10 of Title 37 of the Code of Federal Regulations), and procedure as related in the Manual of Patent Examination Procedure (MPEP).

A. EXAMINATION PREPARATION MATERIALS. The MPEP includes in Appendices L and R the Patent Laws and Rules subject to the examination. The MPEP, as well as Title 37 of the Code of Federal Regulations (CFR) may be ordered from the Superintendent of Documents,

U.S. Government Printing Office, Washington, D.C. 20402 or by calling (202) 512-1800. Candidates may also check the USPTO web site for downloadable versions of the MPEP.

The Office, including OED, will not counsel applicants on the patent statutes and rules, policy, practice, and procedure.

B. EXAMINATION PREPARATION COURSES. The Office cannot identify or recommend courses to be pursued in preparing for the examination, or offer advice as to the special training required of persons who wish to be qualified to practice before the Office as a patent attorney or agent.

C. OFFICIAL EXAMINATION RESULTS. Results of the examination will be mailed to applicants soon after the date the applicant took the exam. Applicants passing the examination will also receive instructions for completing the registration process at that time.

D. UNSUCCESSFUL APPLICANTS. Within two months from the date of the letter notifying an applicant of a failing grade, the applicant may inspect, but not copy, the questions and answers he or she answered incorrectly. The questions and answers may be inspected only at the USPTO in Virginia. No notes may be taken, and copies of the questions or answers may not be obtained. Substantive review by regrade is unavailable. See 37 CFR § 11.7(e). An unsuccessful applicant may schedule a date and time for inspection by calling OED at 703-306-4097.

XII. REASONABLE ACCOMMODATIONS

Any applicant with a disability for which accommodations are necessary in order to take the examination must submit a **separate letter** with the application requesting reasonable accommodations. The letter must describe the disability and the reasonable accommodations requested. Supporting documentation, less than one year old, certifying the current severity of the disability and certifying that the accommodations requested are necessary for this disability must be sent by a licensed physician who has evaluated the condition. The letter requesting test accommodations and all supporting documentation must be filed with the initial application.

An applicant requesting reasonable accommodations should check the box to the right of his or her name in the Application for Registration (PTO Form 158), indicating that the request is included with the application.

Special accommodations available include: additional time (time and one half or double time), separate room, multiple days, amanuensis, reader and wheelchair access. Additional requests will be considered on a case-by-case basis.

After an applicant has been admitted to the examination, a separate notification of the accommodations granted will be mailed. Additional time is allowed to schedule an examination with special accommodations. Scheduling may take up to 30 days.

Reapplication: An applicant who received reasonable accommodations for a prior administration of the examination must submit a **new** request for accommodations and supporting documentation for each subsequent examination with his or her application(s).

Upon receiving approval for an accommodation from OED, the applicant must then call the Special Accommodations Department in the Thomson Prometric Contact Center at 800-967-1139 to schedule administration of the examination. If reasonable accommodation is requested and the admission notice does not address the request, please contact the Office of Enrollment and Discipline.

XIII. REAPPLYING UPON FAILURE TO PASS THE EXAMINATION

An unsuccessful applicant, after receiving written notice of failing the examination, may reapply to again take the examination. Such an applicant may reapply for admission to the examination upon receiving notice of failure from OED, but must wait 30 days after the date of the last examination before retaking the examination. See 37 CFR § 11.7(b)(1)(ii). Eligibility for retesting of applicants who do not pass the registration examination is controlled by OED. Applicants should not make retesting inquiries to Thomson Prometric.

Applicants reapplying after a notice of failure must submit the following:

- A completed Application for Registration to Practice before the United States Patent and Trademark Office [Form PTO-158]
 - \$40.00 non-refundable application fee as required by 37 CFR § 1.21(a)(1)(i). An applicant subject to the provisions of 37 CFR § 11.7(h)(1), § 11.7(h)(4), and/or 37 CFR § 11.7(k) need not resubmit the \$1600.00 fee set forth in 37 CFR § 1.21(a)(10) unless the previously submitted \$1600.00 fee has been refunded or he or she has received a determination from the OED Director concerning good moral character and reputation.
 - \$200.00 registration examination fee payable to the United States Patent and Trademark Office for test administration by a commercial entity. [37 CFR § 1.21(a)(1)(ii)(A)].
- or**
- \$450.00 registration examination fee payable to the United States Patent and Trademark Office for test administration by the USPTO. [37 CFR § 1.21(a)(1)(ii)(B)].
 - All other documentation necessary to update the application, such as, but not limited to, responses to questions 15-22.

An applicant's file will be maintained in the Office of Enrollment and Discipline for one year from the date of the notice of the examination results. An applicant first reapplying more than one year after the notice must again fully comply with 37 CFR §§ (b)(1)(i) and (b)(2).

XIV. REFUNDS AND DEFERRAL OF USPTO FEES

A. REFUNDS. The \$40.00 application fee is non-refundable. The \$200.00 or \$450.00 registration examination fee is non-refundable after the Office of Enrollment and Discipline receives an application, except as noted below. Applicants subject to the provisions of 37 CFR § 11.7(h)(1), § 11.7(h)(4), and/or § 11.7(k) will be required to submit one fee payment pursuant to 37 CFR § 1.21(a)(10) for each determination on good moral character and reputation made by the OED Director.

Refund of any fee is governed by the provisions of 35 U.S.C. § 42(d). Fees that are not paid by mistake or in excess are non-refundable. If an applicant is accepted to sit for the examination, the registration examination fee is non-refundable for any reason, even if the applicant does not sit for the examination.

The registration examination fee will be refunded only if the Office of Enrollment and Discipline denies an applicant admission to the examination for filing an incomplete

application or failing to meet the qualifications for admission. An applicant that has submitted the \$1600.00 fee under 36 CFR §1.21(a)(10) will be refunded that fee less a \$40.00 application fee if he/she is denied admission to the examination. The refund of any fee paid by check will normally be processed within 30 days of the date of the letter showing that the application was denied.

Applicants admitted to and thereafter withdrawing from a previous exam must file another application, and again pay the \$40.00 application fee and the applicable registration examination fee. Likewise, applicants denied admission to a previous examination must thereafter file another application, and again pay the \$40.00 application and appropriate registration examination fee.

B. DEFERRING EXAMINATION FEE TO A LATER EXAMINATION OR APPLICATION. If an applicant timely reschedules with Thomson Prometric an examination to occur within the 90-day period for the originally scheduled examination, the USPTO application fee and the \$200 government examination fee will be automatically deferred to the rescheduled examination. Neither fee will be deferred for applicants who do not appear for an appointment to take the examination, for applicants who arrive too late to be admitted to the examination, or for applicants who withdraw from a scheduled examination. Applicants should refer to the Thomson Prometric web site for the Thomson Prometric rescheduling policy.

XV. WITHDRAWING FROM THE EXAMINATION

An applicant admitted to the examination may choose to not take the examination, but must understand that the government fees are neither refundable nor deferrable to another examination date or application except as described above. After being granted admission to the registration examination, the applicant coordinates an examination date with Thomson Prometric. After the examination date has been coordinated with Thomson Prometric, the examination may be rescheduled within only the 90-day testing period based on Thomson Prometric's rescheduling policy.

XVI. WAIVERS OF REGULATIONS REGARDING THE EXAMINATION

A petition may be filed under 37 CFR § 11.3 requesting in writing that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Commissioner in an extraordinary situation, when justice requires.

XVII. ADDRESS CHANGES

Applicants must notify OED in writing of any changes of address, telephone number, or other information provided on the application for registration to take the registration examination, before or after the examination. Changes of address should be sent by mail to the OED mailing address or by facsimile to 703-306-4134. To assure that examination results are directed to the correct address, applicants must submit such changes to OED in writing.

XVIII. NAME CHANGES

An applicant who changes his or her legal name must provide satisfactory proof of the change, such as an appropriate court document ordering the change or marriage certificate. This is critical information. If an applicant receives a college/university transcript under one name and later changes his or her legal name, the information enables confirmation that all

submitted documents pertain to the same person. The information also helps coordinate applicant's file with documents separately submitted under a different name.

XIX. REGISTRATION TO PRACTICE

A. Examination Results: The Office of Enrollment and Discipline will mail official results to the applicant soon after the date of the examination. Exam results will be mailed to the most recent address provided by the applicant. For this reason, it is critical that applicants promptly inform the Office of Enrollment and Discipline of any change of address.

Upon passing or waiver of the examination, the OED Director will publish a solicitation for information concerning the applicant's moral character and reputation. See 37 CFR § 11.8(a). An applicant who has passed the examination will not be given provisional registration while his or her name is published for comment or prior to registration or recognition. Applicants passing the registration examination must complete the registration process within two years from the date notice thereof is sent to the applicant.

B. Registration as Patent Attorney: After passing the examination, an applicant who desires to be registered as an attorney must submit a certificate of good standing from the bar of the highest court of the State in which he or she is admitted to practice. The certificate of good standing must be less than six months old and should be filed with the Data Sheet (FORM PTO 107A), following receipt of notice of passing the registration examination. The certificate is not required for admission to the exam. An attorney for whom no certificate of good standing is received will be registered as a patent agent. Do **not** file the certificate of good standing with the application.

XX. FINDING OED INFORMATION ON THE INTERNET: Information about the registration examination and required forms are available at the OED home page (www.uspto.gov/web/offices/dcom/gcounsel/oed.htm).

Keep this bulletin for future reference. Applicants may find it necessary to refer to it after filing an application. Also, please keep the OED advised in writing of all changes of address, telephone number, or other information provided in your application.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop OED
Director of the U. S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

on

Date: _____

Signature

Typed or printed name of person signing Certificate

I further certify that I have a reasonable basis to expect that the application and accompanying materials will be mailed on or before the date on the certificate, shown above.

Please identify the correspondence below:

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This certificate must be in the envelope with the material and/or documents mailed.

OED PRIVACY ACT ADVISORY STATEMENT

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the request for information solicited on attached forms PTO-158 and PTO-275. Accordingly, pursuant to the requirements of the Act, please be advised that (i) the authority for the collection of this data is 35 U.S. C. §§ 1.6 and 31, (ii) furnishing of the information solicited is voluntary, and (iii) the principal purpose for which the data will be used is to maintain current information relating to your eligibility and fitness for registration to practice before the United States Patent and Trademark Office in patent cases. If you do not furnish the requested information, you will not be admitted to the registration examination or registered to practice before the United States Patent and Trademark Office.

The information provided by you in this form will be subject to the following routine uses:

1. Information may be published by the United States Patent and Trademark office in the *Official Gazette* to solicit information tending to affect your eligibility on moral, ethical, or other grounds for registration pursuant to 37 CFR § 11.7.
2. Disclosure may be made to any Government agency, professional organization, or individual if necessary to obtain information relevant to an investigation concerning the suitability of an applicant for registration to practice before the Patent and Trademark Office.
3. Disclosure may be made to a Federal, state, local, foreign, tribal, or other public authority, of the fact that this system of records contains information relevant to the retention of an employee, retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency, or to another Federal agency for criminal, administrative, personnel, or regulatory action.
4. To a court or adjudicative body in a proceeding when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her capacity, or (c) any employee of the agency in his or her official capacity where the agency has agreed to represent the employee, or (d) the United States government is a party to litigation or has an interest in such litigation and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.
5. Disclosure may be made to a member of Congress or to a congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
6. Information may be disclosed to the Office of Management and Budget (OMB) in connection with a review of private relief legislation (as set forth in OMB Circular No. A-19) at any stage of the legislative coordination and clearance process described in the Circular.
7. The information may be disclosed to the agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who have need to have access to the records in order to perform the activity. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).
8. The information may be disclosed to the office of Personnel Management (OPM) for personnel research purposes as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related manpower studies.
9. Records from this system of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. §§ 2904 and 2906.
10. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, or criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order, issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local or tribal, or other public authority responsible for enforcing, investigating, or prosecuting violations, or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

APPLICATION FOR REGISTRATION TO PRACTICE BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. This collection of information is required by 37 CFR Sections 10.11 through 10.19 and 11.5 through 11.10. This information is used by the public to register to practice before the United States Patent and Trademark Office (USPTO) and by the USPTO to determine the eligibility of the applicant to register to practice before the USPTO. The information on this form will be treated confidentially to the extent allowed under the Privacy Act and the Freedom of Information Act (FOIA). Response to this information collection is voluntary; however, if you do not provide the requested information, the USPTO may not admit you to the registration examination or register you to practice before the USPTO. This form is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the information on the application to the USPTO. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, United States Patent and Trademark Office. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.**

SEND TO: Mail Stop OED, United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

1a) Legal Name	First Name	Middle Name	Last Name	<input type="checkbox"/>	Special Accommodations Request Attached
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1b) Name shown on valid Government ID

1c) ADDRESS: Employer, corporation, law firm, U. S. Government agency. If using home address, leave blank. Indicate if Student, or unemployed.

1c) ADDRESS
(street, building, suite, etc.)

1d) CITY	1e) STATE	1f) ZIP CODE	1g) DAYTIME Area Code & Phone Number
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2. CITIZENSHIP (country)	3. DATE OF BIRTH (month, day, year)	4. PLACE OF BIRTH (City, State, Country)
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FOR ALIENS ONLY →	5. VISA CLASSIFICATION	6. PERMANENT RESIDENT OF THE UNITED STATES <input type="checkbox"/> YES Attach copy of both sides of documentation of permanent residence <input type="checkbox"/> NO	7. ALIEN REGISTRATION NUMBER
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You are required to update the foregoing information promptly upon any change. Select and check **all** the following that apply. Applicants should carefully review the General Requirements Bulletin for detailed instructions on completing this application.

8a. Application Fee: (Please refer to the General Requirements Bulletin and 37 CFR § 11.7)

Enclosed is the non-refundable \$40.00 application fee set forth in 37 CFR § 1.21(a)(1)(i).
OR

Enclosed is the \$1,600.00 fee set forth in 37 CFR § 1.21(a)(10).

8b. Registration Examination Fee:

I will utilize the computer-based test administered by a commercial entity. Enclosed is the Government registration examination fee of \$200.00. [37 CFR § 1.21 (a)(1)(ii)(A)]

I request USPTO test administration. Enclosed is the Government registration examination fee of \$450.00 for test administration by the USPTO. [37 CFR § 1.21(a)(1)(ii)(B)]

9. Waiver of Examination: I am a former USPTO employee and satisfy the requirements of:

- 37 CFR 11.7(d)(1). Enclosed is the applicable fee under either 37 CFR § 1.21(a)(1)(i) **OR** 37 CFR § 1.21(a)(10)
- 37 CFR 11.7(d)(2). Enclosed is the applicable fee under either 37 CFR § 1.21(a)(1)(i) **OR** 37 CFR § 1.21(a)(10)
- 37 CFR 11.7(d)(3). Enclosed is the applicable fee under either 37 CFR § 1.21(a)(1)(i) **OR** 37 CFR § 1.21(a)(10)

10. Passed Examination: I passed an examination on _____. Enclosed is the required registration fee of \$100.00 [37 CFR § 1.21(a)(2)] and a completed data sheet.

11. Reinstatement: I am applying for reinstatement, or as a former government employee, for a change from inactive to active status. Enclosed is any required fee under 37 CFR § 1.21.

12. I previously applied for admission to the registration examination or requested the Office of Enrollment and Discipline to evaluate my scientific and technical qualifications.

Date of Previous Application: _____ Name on Application, if different: _____

13. I was previously registered to practice in patent cases before the United States Patent and Trademark Office as an attorney or agent. If "YES", my Registration No. is _____

14. BAR MEMBERSHIP. I am a member in good standing of the bar of the highest court of a State or Territory of the United States. A list of all said courts and corresponding bar membership number(s) follows: _____

BACKGROUND INFORMATION: Candor and truthfulness are significant elements of fitness relevant to practice before the United States Patent and Trademark Office. You should, therefore, provide the Office of Enrollment and Discipline with all available information, however unfavorable, even if its relevance is in doubt, with regard to the questions asked below. For each question answered "YES," provide a detailed statement setting forth all relevant facts and dates along with verified copies of relevant documents. **Your responses must be updated as necessary, prior to your registration.** Any documents, evidence or proofs previously filed in a prior application need not be resubmitted unless your response to a question must be changed. **Failure to disclose the requested information may result in denial of registration or in disciplinary proceedings under 37 CFR § 10.22 should you become registered.**

- YES NO **15.** Have any charges ever been preferred against you in connection with your practice before any Federal or State court, or municipal bureau, commission, office or agency of any kind or character?
- YES NO **16.** Have you ever been arrested, charged, or held by Federal, State or other law enforcement authorities for any violation of any Federal or State law, or any county or municipal law, regulation or ordinance? (Do not include any misdemeanor before your 16th birthday or traffic violations for which the fine was \$100 or less.)
- YES NO **17.** Have you ever been disciplined, reprimanded, suspended, expelled or asked to resign or withdraw from any educational institution, or have you resigned or withdrawn from any such institution in time to avoid discipline, reprimand, suspension, expulsion or request to resign for conduct involving dishonesty, fraud, misrepresentation, or deceit?
- YES NO **18.** Have you ever been disciplined, reprimanded, or suspended in any job for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?
- YES NO **19.** Have you ever been fired or discharged from any job, or have been asked to resign or quit for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?
- YES NO **20.** Have you ever resigned or quit a job when you were under investigation or inquiry for conduct which could have been considered as involving dishonesty, fraud, misrepresentation, deceit, or violation of Federal or State laws or regulations, or after receiving notice or been advised of possible investigation, inquiry, or disciplinary action for such conduct?
- YES NO **21.** Have you ever been discharged from military service under conditions "other than honorable," or by reason of the sentence of a Court Martial or being dropped from the rolls?
- YES NO **22.** Are you delinquent on any State or Federal debt? (Include delinquencies arising from Federal or State taxes, loans, overpayment of benefits, and other debts to the U.S. Government and defaults on Federally guaranteed or insured loans such as student and home mortgage loans.)

23. EDUCATION: List all degrees conferred in the blocks below. Attach to this application any required documentation to complete your application for registration. Refer to the General Requirements Bulletin. If you applied previously for an exam, please see the General Requirements Bulletin section titled "REAPPLYING TO TAKE THE EXAMINATION" for what you must submit.

Degree Received as indicated on Transcript	College	Date Received	Major Subject as indicated on Transcript

Upon the basis of the foregoing information and any attached documents, I hereby apply for registration to practice in patent cases before the United States Patent and Trademark Office. I certify that each and every statement or representation in this application is true and correct. *(A willfully false statement or certification is a criminal offense and is punishable by law [18 U.S.C. § 1001].)*

24.

Signature of Applicant

Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. This collection of information is required by 37 CFR Sections 10.5 through 10.19. This information is used by the public to register to practice before the United States Patent and Trademark Office (USPTO) and by the USPTO to determine the eligibility of the applicant to register to practice before the USPTO. The information on this form will be treated confidentially to the extent allowed under the Privacy Act and the Freedom of Information Act (FOIA). Response to this information collection is voluntary; however, if you do not provide the requested information, the USPTO may not admit you to the registration examination or register you to practice before the USPTO. This form is estimated to take 20 minutes to complete, including gathering, preparing, and submitting the information on the application to the USPTO. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C., 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.**

SEND TO: Mail Stop OED, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450