

# Third-Party Preissuance Submissions

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*Quick Start Guide*

*July 2024*

## Quick Start Guide

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### THIRD-PARTY PREISSUANCE SUBMISSIONS UNDER 37 CFR 1.290



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# 1. Introduction

This guide is for Third-Party Preissuance Submissions under 37 CFR 1.290. For general information on submitting applications electronically via Patent Center please review the Patent Center Quick Start Guide located at [www.uspto.gov/patents/apply/patent-center](http://www.uspto.gov/patents/apply/patent-center).

35 U.S.C. 122(e) and 37 CFR 1.290 provide a mechanism for third parties to submit patents, published patent applications, or other printed publications of potential relevance to the examination of a patent application with a concise description of the asserted relevance of each document submitted. Such submissions must be made (1) before the later of (i) 6 months after the date the application is first published by the Office or (ii) the date of a first Office action on the merits rejecting any claims, and (2) before the date of a notice of allowance is given or mailed. Section 122(e) also provides for such fees as the Director may prescribe.

For more information, the microsite for Third-Party Preissuance Submissions (TPS) can be located at: [www.uspto.gov/patent/initiatives/third-party-preissuance-submissions.html](http://www.uspto.gov/patent/initiatives/third-party-preissuance-submissions.html).

This Quick Start Guide will provide you with the information you need in order to rapidly understand how to file a TPS, including a brief overview of the process and screen shots that identify critical aspects of the submission.

## 2. Basic Guidelines for Filing a Third-Party Preissuance Submission

- You must be able to access Patent Center.
- Select “Existing submissions” > “File third-party preissuance submission”.
- You can be either a registered filer or guest user.
- A Third-Party Submission under 37 CFR 1.290 may be made in any non-provisional utility, design, or plant application, including any continuing application. The application may be pending or abandoned and need not be published.
- Third-Party Submissions under 37 CFR 1.290 are not permitted in provisional applications, issued patents, reissue applications and reexamination proceedings.
- Before being entered into the image file wrapper (IFW) record of an application, Third-Party Submissions will be reviewed for compliance with 35 U.S.C. 122(e) and 37 CFR 1.290.
- Consult the current fee schedule available at [www.uspto.gov/about/offices/cfo/finance/fees.jsp](http://www.uspto.gov/about/offices/cfo/finance/fees.jsp) for the correct fee amounts. If the third party qualifies as a small entity (e.g., a person, a small business concern, or a nonprofit organization), the fee is reduced.
- There is no fee required if the first submission by a third party in an application lists three or fewer items, and is accompanied by the statement set forth in 37 CFR 1.290(g).
- Third-Party Preissuance Submissions are not for Applicants to file papers in their own

applications and Applicants are prohibited from filing papers in their applications via this interface. Applicant papers filed via this interface will not be entered into the application file.

- If a Third-Party Submission has been submitted but a required component has been omitted, the omitted component cannot be submitted as a follow-on paper. Instead, the third party may file another complete submission which includes the omitted component, provided the time period for doing so has not closed. See Section 3.2.6 for information regarding the fee required for a resubmission made in response to a notification of non-compliance.

**Warning:** Patent Center sessions will time-out after 30 minutes of inactivity. A Third-Party Submission that has not been submitted or saved after 30 minutes of inactivity will be lost. You will need to restart Patent Center again and re-enter the information from the start.

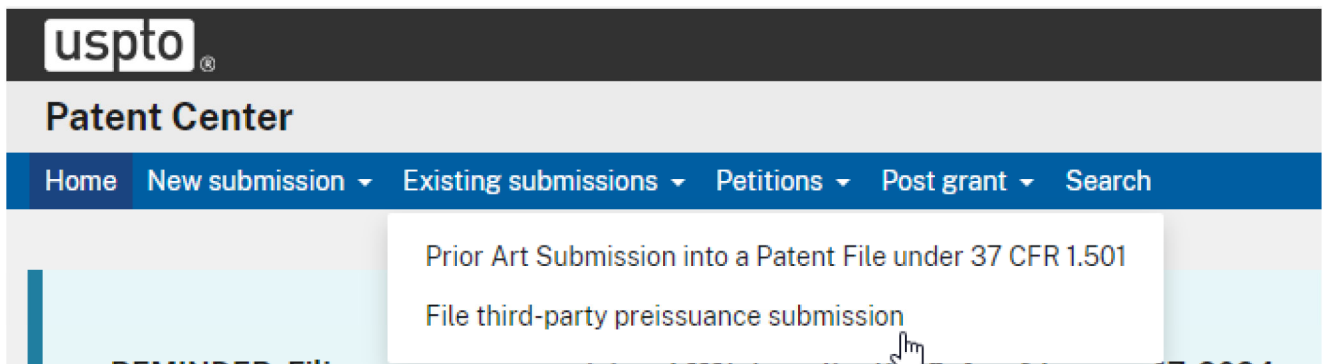
## 3. Filing a Third-Party Preissuance Submission

### 3.1 Signing-On to Patent Center

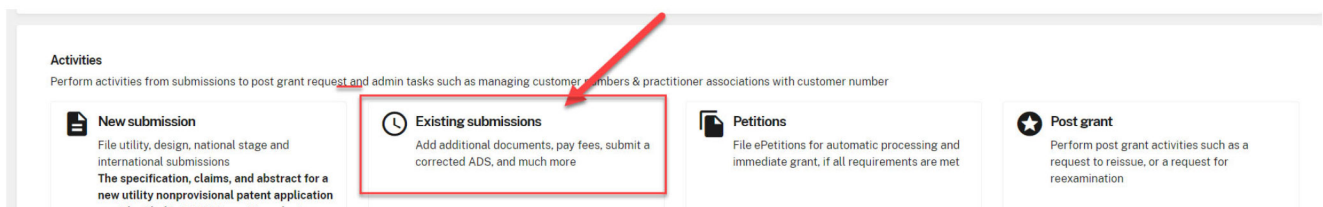
Third parties have the option to sign on to Patent Center or file as a guest user.

#### 3.1.1 Registered Filer

To submit a Third-Party Preissuance Submission, select the “**Existing submissions**” option or activity card.



OR



Select “**File third-party preissuance submission**”, enter the Application Number and Confirmation Number (if applicable) and check the box acknowledging that you have read the 37 CFR 11.18(b) statement in order to proceed with the submission. The Confirmation Number is only required if the application is not public. Next click on the “**Continue**” button.



Application #  
99999999 or 99/999,999

Confirmation #  
Required for non-public applications

☐ Pursuant to 37 CFR 11.18(b), a party presenting any paper to the Office is certifying that all statements made therein of the party's own knowledge are true, and that all statements made therein on information and belief are believed to be true, and all statements are made with the knowledge that whoever willfully makes any false statements or representations shall be subject to the penalties set forth under 18 U.S.C. 1001.

[Back to home page](#) [Continue](#)

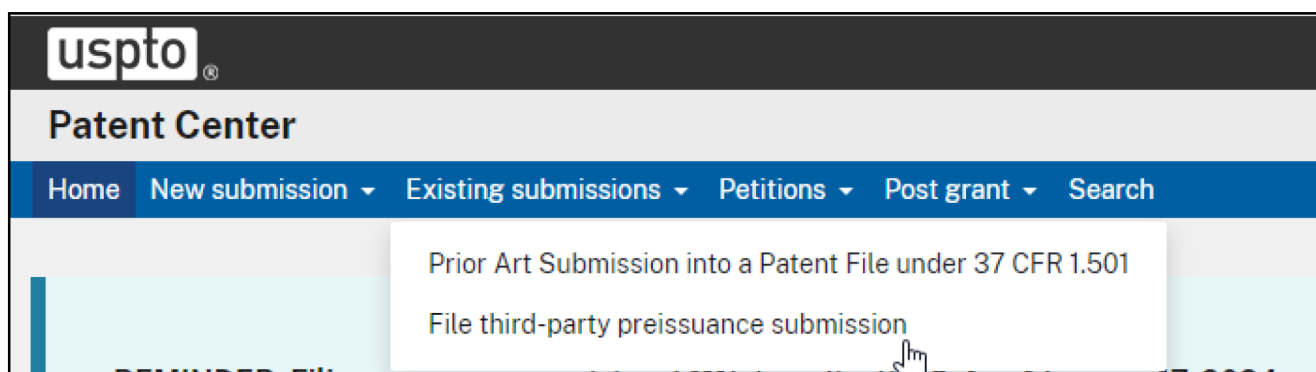
The Confirmation Number can be obtained by searching the application number on the Patent Center home page and viewing the Bibliographic Data. If the Confirmation Number is not available or not known, the Third-Party Submission cannot be filed electronically and may be filed in paper instead. Instructions on how to file a third-party submission in paper are available at: [www.uspto.gov/patent/initiatives/preissuance-submissions/resources](http://www.uspto.gov/patent/initiatives/preissuance-submissions/resources).

A “**Confirm third-party preissuance submission?**” window may appear. If the application is correct, click the “**Continue**” button to proceed. If the application is not correct, click the “**Cancel**” button.

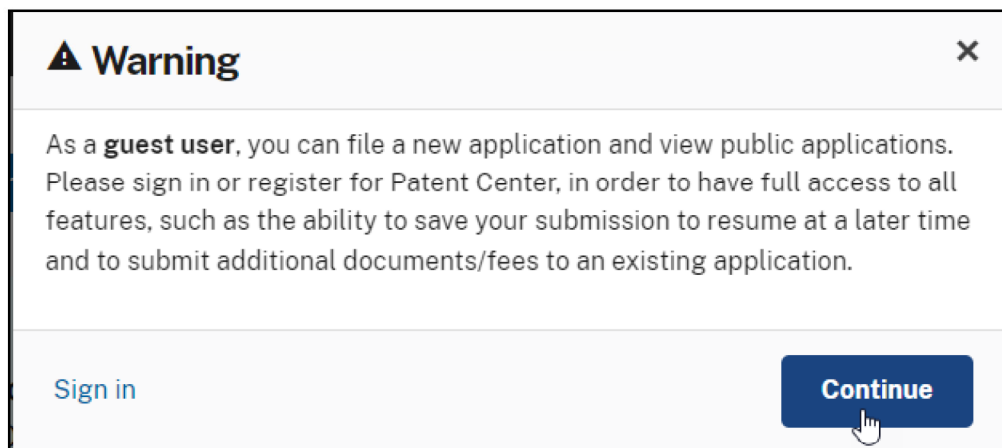
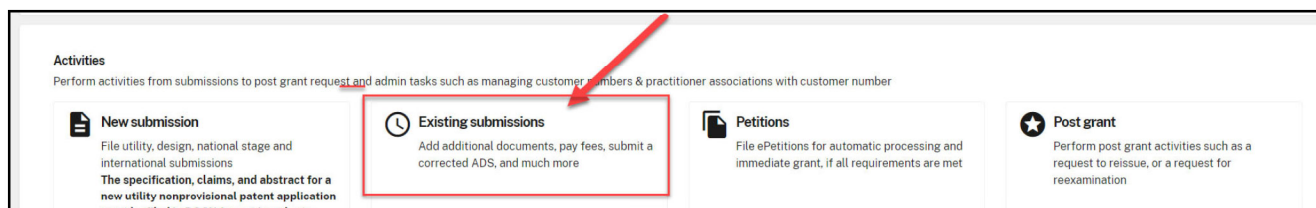
**Note:** Before proceeding, verify whether a submission would be timely under 37 CFR 1.290(b) and 37 CFR 1.7(a). *Untimely submissions will not be entered and any required fees will not be refunded.* At any time before you Submit, you may click the “**Cancel**” button at the bottom of page to restart the submission. By canceling the submission, any data entered will be lost and cannot be retrieved.

### 3.1.2 Guest User

To submit a third-party preissuance submission, select the “**Existing submissions**” option or activity card. Select “**File third-party preissuance submission**”. Click the “**Continue**” button on the guest user warning to proceed.



OR



You must enter the Application Number and Confirmation Number (if applicable). The Confirmation Number is only required if the application is not public. The Confirmation Number can be obtained by searching the application number on the Patent Center home page screen and viewing the Bibliographic Data. If the Confirmation Number is not available or not known, the Third-Party Submission cannot be filed electronically and may be filed in paper instead. Instructions on how to file a third-party submission in paper are available at: [www.uspto.gov/patent/initiatives/preissuance-submissions/resources](http://www.uspto.gov/patent/initiatives/preissuance-submissions/resources).

An official website of the United States government [Here's how you know.](#)

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- **REMINDER: Filing a new non provisional 111(a) application?** As of January 17, 2024, specification, claims and abstracts not filed in DOCX format will incur a non-DOCX surcharge of up to \$400 for this filing type. See the [Federal Register notice](#) for more information.
- Extended until further notice, applicants have the option to upload a backup (auxiliary) PDF version of their application with their DOCX version. There are no fees associated with this auxiliary PDF. See the [Federal Register notice](#) for more information.
- **IMPORTANT** Some filers are experiencing a "File naming convention error" when uploading files in Patent Center. The filename extension must be lowercase (e.g., .docx) to be compatible with other USPTO systems. This has always been the rule and is now enforced in Patent Center. Please go to the [File Naming Convention](#) page for details.
- EFS-Web and Private PAIR are no longer available. Please use [Patent Center](#) to file and manage your applications and requests. Visit the [EFS-Web and Private PAIR Retirement](#) and [Patent Center](#) information pages for more information.
- Any known issues and workarounds for Patent Center can be found on the [Patent Center information page](#).

**Search for a patent application**

Search by application number, patent number, PCT number, publication number or international design registration number.

Application # ▾ Search

You must select the check box acknowledging that you have read the 37 CFR 11.18(b) statement in order to proceed with the submission. Next, to enter the data for the Third-Party Submission, click on the **"Continue"** button.

Application #

99999999 or 99/999,999

Confirmation #

Required for non-public applications

☐ Pursuant to 37 CFR 11.18(b), a party presenting any paper to the Office is certifying that all statements made therein of the party's own knowledge are true, and that all statements made therein on information and belief are believed to be true, and all statements are made with the knowledge that whoever willfully makes any false statements or representations shall be subject to the penalties set forth under 18 U.S.C. 1001.

A “**Confirm third-party preissuance submission?**” window may appear. If the application is correct, click the “**Continue**” button to proceed. If the application is not correct, click the “**Cancel**” button.

**Note:** Before proceeding, verify whether a submission would be timely under 37 CFR 1.290(b) and 37 CFR 1.7(a). *Untimely submissions will not be entered and any required fees will not be refunded.* Once you have selected the “**Proceed**” button, guest users must complete the submission and make any required payment. Guest users do not have the option of saving “**In-progress**” submissions. At any time before you Submit, you may click the “**Cancel**” button at the bottom of page to restart the submission. By canceling the submission, any data entered will be lost and cannot be retrieved.

Proceed with this submission? ×

Before proceeding, verify whether a submission would be timely under 37 CFR 1.290(b) and 37 CFR 1.7(a) (when the day for taking action falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia, 37 CFR 1.7(a) permits the action to be taken on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday). If a notice of allowance has not been issued in an application, a third-party submission may be filed prior to the date that is six months after the date of publication by the Office or prior to the date of the first rejection of any claim by the examiner, whichever is later. Untimely submissions will not be entered and any required fees will not be refunded.

Cancel

Proceed

### 3.2 Entering Data for a Third-Party Submission

On the next screen, only the application number, title of invention, application type and first named inventor will be displayed. On this screen, enter the data for the items that are being submitted in the Third-Party Submission (e.g., U.S. Patents, U.S. Patent Application Publications, Foreign Patents and Published Foreign Patent Applications, and Non-Patent Publications). Click the “**Add new citation**” button in the “**Enter citations**” section.

#### Enter citations (evidence supporting the submission)

You may add up to 10 citations to accompany your third-party preissuance submission.

**Add new citation**



**Add citation** [X]

\* indicates required

Citation type

Select

- U.S. patent
- U.S. patent application publication
- Foreign patent or published foreign application
- Non-patent publication

[Cancel](#) **Add** **Save & add another**

Select the **“Citation type”** and enter the data for that item. A minimum of 1 item and a maximum of 10 may be listed per electronic submission. If you need to list more than 10, please make a subsequent submission to add the additional items. A form PTO/SB/429 will be automatically generated based on the data entered on this screen. You will be able to review the auto-generated PTO/SB/429 later on the **“Review & submit”** screen.

**Note:** For each item entered, a Concise Description of Relevance must either be entered as text in the provided text box or uploaded as a separate document by clicking **“Select existing document or upload”** and then clicking **“Upload new PDF”**. *Failure to include a concise description of relevance for each item will result in a non-compliant submission.* When entering a Concise Description of Relevance in the provided text box, up to 1000 characters may be entered, and a counter will reveal how many characters you have left. A Concise Description of Relevance that exceeds 1000 characters must be uploaded as a separate document.

The concise descriptions of relevance for all items may be combined into a single document. After uploading the single concise description of relevance document for one item, select the existing concise description document for the remaining items. Select **“All”** for the **“Contained on”** drop-down menu, as it is not necessary to identify a “Selected page range” for each item. A concise description of relevance that prominently identifies the item or items in the document list to which the concise description pertains will help ensure that the screener and the examiner can readily identify it.

A concise description of relevance is **not** an invitation for the third party to participate in the prosecution of the application. The concise description **must not include** arguments against patentability or set forth conclusions regarding whether one or more claims are patentable, and **must not include** proposed rejections of the claims or arguments relating to an Office action or an applicant’s reply in the application.

### 3.2.1 U.S. Patents

In the **“U.S. Patents”** section, a valid 8-digit U.S. patent number must be entered in the Patent Number field. The patent number entered will be validated against the USPTO database and the First Named Inventor and Issue Date fields will be automatically filled in upon selecting the **“Find”** button. The Kind Code is an optional field. If known, enter the kind of U.S. patent by the appropriate symbols indicated on the document under WIPO Standard ST.16. See Section 4.2 for a listing of Kind Codes.



Add citation

\* indicates required

Citation type

U.S. patent

Patent number

10139570

Find

Patent number

10139570

Kind code (optional)

Issue Date

11/27/2018

First named inventor

Concise description of relevance \*

Select existing document or upload

Enter text here

Cancel

Add

Save & add another

For each item entered, a Concise Description of Relevance must either be entered as text in the provided text box or uploaded as a separate document by clicking **“Select existing document or upload”**.

**How to Upload Documents:** Click on the **“Select existing document or upload”** link. To search your computer for the document to be uploaded, select **“Upload new PDF”** link. Note: it would be beneficial to use a file name representative of the document being uploaded (e.g., “Jones.pdf” for a copy of a document authored by Jones, “Jones\_translation.pdf” for an English language translation of the Jones document, etc.).

To add additional U.S. patents, click the **“Save & add another”** button. This button also appears in each of the other sections on this screen.

Cancel

Add

Save & add another




By clicking on the “**Add**” button, each previously entered U.S. patent will be listed at the top of the “**Cited patents and published applications**” section. You may remove an item by clicking on the respective “**X**” icon in the “**Delete**” column.

#### Enter citations (evidence supporting the submission)

You may add up to 10 citations to accompany your third-party preissuance submission.

[Add new citation](#)

#### Cited patents and published applications

Type	Number/Identifier	Kind code	Issued/published(mm/dd/yyyy)	Applicant, patentee, or first named inventor	Attachments	Pages	Edit	Delete
U.S. patent	10139570		Nov 27, 2018			-		

If a patent number is entered and the system is unable to validate the number against the USPTO database, a warning will appear in red font on the screen. Verify the entered patent number and try again.

The entered patent number was not found. Note that the Office does not have electronic records for older patents. Please manually enter the issue date and first named inventor for any U.S. patent having a serial number earlier than 4,000,000. If you have questions please contact the EBC (866-217-9197) for assistance.

**Note:** The Office does not keep electronic records for older patents having a serial number earlier than 4,000,000. Therefore, older patents cannot be verified against the USPTO database and the First Named Inventor and Issue Date fields cannot be automatically populated. Accordingly, when entering a patent number less than 4,000,000, manually complete the Issue Date and First Named Inventor fields.

Add citation
×

\* indicates required

Citation type

U.S. patent
▼

Patent number

1000000

Find

The entered patent number was not found. Note that the Office does not have electronic records for older patents. Please manually enter the issue date and first named inventor for any U.S. patent having a serial number earlier than 4,000,000. If you have questions please contact the EBC (866-217-9197) for assistance.

Patent number

1000000

Kind code ⓘ (optional)

Issue Date

02/21/1965

📅

First named inventor

Jane Doe

Concise description of relevance \*

Select existing document or upload

Enter text here

Cancel

Add

Save & add another

### 3.2.2 U.S. Patent Application Publications

In the “**U.S. Patent Application Publications**” section, an 11 digit publication number must be entered in the Publication Number field. Afterwards, click the “**Find**” button. The publication number will be validated against the USPTO database. The Kind Code is an optional field. If known, enter the kind of U.S. patent application publication by the appropriate symbols indicated on the document under WIPO Standard ST.16. See Section 4.2 for a listing of kind codes.

For each item entered, a Concise Description of Relevance must either be entered as text in the provided text box or uploaded as a separate document by clicking “**Select existing document or upload**”.

You may add additional U.S. patent application publications by clicking on the **“Save & add another”** button. By clicking on the **“Add”** button, each previously entered U.S. patent application publication will be listed at the top of the **“Cited patents and published applications”** section. To remove an entry, select the respective **“X”** icon in the **“Delete”** column.

Add citation

×

\* indicates required

Citation type

U.S. patent application pu

▼

Publication number

US20170131481

Find

Publication number

US 2017-0131481

Kind code ⓘ (optional)

Published date

05/11/2017

First named inventor

Concise description of relevance \*

Select existing document or upload

▼

Enter text here

Cancel

Add

Save & add another

### 3.2.3 Foreign Patents and Published Foreign Patent Applications

In the **“Foreign Patents and Published Foreign Patent Applications”** section, enter an appropriate document number in the Document number field. This document number will not be validated against the USPTO database. In addition to the Number field, the Country Code, Published Date (MM/DD/YYYY) and the Applicant, Patentee, or First Named Inventor (First Name, Last Name) fields are required to be completed. By selecting a country in the Country Code field, the country or patent office that issued the document will be identified in the auto-generated listing by two-letter country code under WIPO Standard ST.3. See section 4.1 for a listing of country codes. For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. The Kind Code is an optional field. If known, enter the kind of document by the appropriate symbols indicated on the document under WIPO Standard ST.16. See Section 4.2 for a listing of kind codes.

For each item entered, a Concise Description of Relevance must either be entered as text in the provided text box or uploaded as a separate document by clicking **“Select existing document or upload”**.

You must upload a copy of each foreign patent or published foreign patent application by clicking **“Select existing document or upload”**.

An English language translation must be attached for any non-English language foreign patent or published foreign patent application publication. Translations need not be certified and a reliable machine translation may be submitted. An English translation can be uploaded by clicking **“Select existing document or upload”**. If the document is in English, click the check box next to **“Publication is in English, no translation necessary”**.

You may add additional items by clicking on the **“Save & add another”** button. By clicking on the **“Add”** button, each previously entered foreign patent or published foreign patent application will be listed at the top of the **“Cited patents and published applications”** section. To remove an entry, select the respective **“X”** icon in the **“Delete”** column.

## Add citation



\* indicates required

Citation type

Foreign patent or publish ▾

Country code

JAMAIC/ ▾

Document number

1111777

Kind code ⓘ (optional)

Published date

07/02/1964



Applicant, patentee, or  
first named inventor

Jane Doe

Concise description of relevance \*

Select existing  
document or ▾  
upload

or

Example of concise description

30/1000 character limit

Copy of foreign patent or application \*

Select existing  
document or ▾  
upload

English translation \*

Select existing  
document or ▾  
upload

or ☐ Publication is in English, no translation  
necessary

[Cancel](#)

Add

Save & add another

### 3.2.3 Non-Patent Publications

In the “**Non-Patent Publications**” section, enter data for non-patent documents, such as journal articles, Office actions, communications from foreign patent offices, etc. that qualify as publications. The author (if any), title of the publication, page(s) being submitted, publication date (MM/DD/YYYY), publisher (where available), and place of publication (where available) must be entered. This data will not be validated against the USPTO database. For publications obtained from the Internet, the uniform resource locator (URL) of the Web page that is the source of the publication must be provided for the place of publication (e.g., “<http://www.uspto.gov>”). Additional information not specified above (e.g., journal title and volume/issue information for a journal article) may be provided. Where the actual publication date is not known, provide a date of retrieval or a time frame (e.g., a year, a month and year, a certain period of time) when the document was available as a publication, in addition to evidence that establishes the document as a publication.

For each item entered, a Concise Description of Relevance must either be entered as text in the provided text box or uploaded as a separate document by clicking “**Select existing document or upload**”.

You must upload a copy of each publication by clicking “**Select existing document or upload**” under the “**Evidence of publication**” drop-down menu.

An English language translation must be attached for any non-English language publication. Translations need not be certified and a reliable machine translation may be submitted. A translation can be uploaded by clicking “**Select existing document or upload**”. If the document is in English, click the check box next to “**Publication is in English, no translation necessary**”.

If the publication date is not known, you must provide evidence of publication. Such evidence may be in the form of, for example, affidavits, declarations, a printout from a Web site, or any other appropriate format.

**Note:** The “**Non-Patent Publications**” section does not currently provide a separate drop-down menu for uploading evidence of publication beyond a copy of the document itself. Therefore, if the publication date is not known and evidence of publication is required, upload the evidence using the “English translation” drop-down menu and indicate in the concise description of relevance that evidence of publication has been provided.

You may add additional items by clicking on the “**Save & add another**” button. By clicking on the “**Save & add another**” button, each previously entered non-patent document will be listed in the “**Non-patent publications**” section. To remove an entry, select the respective “**X**” icon in the “**Delete**” column.



Add citation
×

\* indicates required

Citation type

Non-patent publication
▼

Available publication information

i.e. author, title, pages submitted, publication date, publisher, place of publication

Concise description of relevance \*

Select existing document or upload
▼

or

Enter text here

Evidence of publication \*

Select existing document or upload
▼

English translation \*

Select existing document or upload
▼

or
☐ Publication is in English, no translation necessary

Cancel
Add
Save & add another

### 3.2.5 Request for Notification Regarding Third-Party Preissuance Submission

By completing the “**Request email notification**” section, you will be notified by e-mail if the submission is found to be compliant or non-compliant. This section is not required to be completed. To request electronic notification regarding your submission, you must select the check box and enter an e-mail address. The request for notification and the e-mail address provided will not be made of record in the application.

### Request email notification

☐ I would like to receive an email indicating if the submission is found to be compliant or non-compliant. This information will not be part of the record in the application.

Email address

### 3.2.6 Statements

To facilitate compliance, the “**Statements**” section includes the statements required by 37 CFR 1.290(d)(5)(i) and (ii). The party making the submission must state that the party is not an individual who has a duty to disclose information with respect to the application (i.e., each individual associated with the filing and prosecution of the patent application) under 37 CFR 1.56. The party making the submission must also state that the submission complies with the requirements of 35 U.S.C. 122(e) and 37 CFR 1.290.

#### Fee Radio Buttons:

Additionally, one of the fee radio buttons must be selected. The fee for every 10 documents listed, or fraction thereof, is set forth in 37 CFR 1.290(f) and 37 CFR 1.17(p). If the third party qualifies as a small entity (e.g., a person, a small business concern, or a nonprofit organization), the fee is reduced. There is no fee required if the first submission by a third party in an application lists three or fewer items, and is accompanied by the statement set forth in 37 CFR 1.290(g).

**“Fee required” Radio Button:** Select the “Fee required” radio button to indicate that the required fee is attached. Failure to pay the fee will result in a non-compliant submission. If a fee is required, select the applicable “Regular Undiscounted” or “Small Entity” radio button.

**“Fee exemption” Radio Button:** Select the “Fee exemption” radio button if no fee is required because the submission lists three or fewer total items and, to the knowledge of the person signing the statement after making reasonable inquiry, the submission is the first and only submission under 35 U.S.C. 122(e) filed in the application by the party making the submission or by a party in privity with the party. See 37 CFR 1.290(g).

**“Resubmission” Radio Button:** Select the “Resubmission” radio button if a resubmission is being made responsive to a notification of non-compliance issued for an earlier filed third-party submission. The corrections in the resubmission must be limited to addressing the non-compliance, and the resubmission must be another complete submission, as the Office will not accept amendments to the non-compliant submission. The determination of whether the fee requirement for a resubmission is satisfied will be made at the sole discretion of the Office. Note that the resubmission must be made before the statutory time period for filing a third-party submission has closed.

**Note:** The appropriate fee for the number of documents being submitted must accompany any resubmission made in response to a notification of non-compliance. However, to satisfy the fee requirement for a resubmission after a finding of non-compliance where the proper fee set forth in 37 CFR 1.290(f) accompanied the non-compliant submission, select the **“Resubmission”** fee radio button to request that the Office apply the previously-paid fee to the resubmission. Similarly, to satisfy the fee requirement for a resubmission after a finding of non-compliance where the non-compliant submission of three or fewer documents was accompanied by the fee exemption statement set forth in 37 CFR 1.290(g), select the **“Resubmission”** fee radio button to state that the fee exemption applies to the resubmission. By selecting this statement, the party making the resubmission: (1) requests that the Office apply the previously paid fee set forth in 37 CFR 1.290(f), or (2) states that no fee is required to accompany this resubmission as the undersigned is again making the fee exemption statement set forth in 37 CFR 1.290(g).

## Signature:

Third-Party Submissions are required to be signed. In the **“Signature”** section, provide a valid S-signature and complete the First name, Last name, and Registration number (*if applicable*) fields. (*Please refer to Legal Framework for Patent Electronic System, Section F. Signature Policy.*) The submitter of a Third-Party Submission will be identified but a real party in interest need not be identified. A real party in interest can remain anonymous by having someone else make the third-party submission for them, **but the submitter cannot remain anonymous**. The signature requirement of 37 CFR 1.4 for papers filed in a patent application, which require a person’s signature, apply to third-party submissions. Third-party submissions must be signed due to statements that are required to be made under 37 CFR 1.290(d)(5) and 37 CFR 1.290(g) (*if applicable*) by the party making the submission.

**Statements \***

The party making the submission is not an individual who has a duty to disclose information with respect to the above-identified application under 37 CFR 1.56.

This submission complies with the requirements of 35 U.S.C. 122(e) and 37 CFR 1.290.

Third-party submission fee (select one of the options below):

☒ Fee required: The following fee set forth in 37 CFR 1.290(f) is submitted herewith:

☒ Regular Undiscounted

☐ Small Entity

☐ Fee exemption: The fee set forth in 37 CFR 1.290(f) is not required because this submission lists three or fewer total items and, to the knowledge of the person signing the statement after making reasonable inquiry, this submission is the first and only submission under 35 U.S.C. 122(e) filed in the above-identified application by the party making the submission or by a party in privity with the party

☐ Resubmission: This resubmission is being made responsive to a notification of non-compliance issued for an earlier filed third-party submission. The corrections in this resubmission are limited to addressing the non-compliance.

**Signature \***

Signature	First name	Last name	Registration number
<div><div></div><div>ⓘ</div></div> <div>"/John Marina, VI/"</div> <div>Signature is required.</div>	<div></div>	<div></div>	<div></div>

[Cancel submission](#)






Back

Continue

### 3.2.7 Review the Submission

Once all citations are added, a proper fee statement selected, and signature provided, click on the “**Continue**” button to proceed to the “**Review & submit**” screen”. Up to three PDF documents will be generated: (1) a concise description of relevance document that includes each concise description of relevance that was entered in the respective text boxes or indicates “See Attached” where a separate concise description of relevance document was uploaded (“Concise-description-generated.pdf”), (2) a form PTO/SB/429 document listing that identifies each document entered (“Third-party-preissuance-submission.pdf”), and (3) if applicable, a request for notification regarding the third-party submission (“Third-party-notification-request.pdf”).

If you need to make any corrections, go back to the “**Enter citations**” screen by clicking the “**Back**” button at the bottom of the screen. After making any corrections, you must click on the “**Continue**” button located at the bottom of the “**Enter citations**” screen in order to apply any changes. You will be taken back to the “**Review & submit**” screen where you may click on the respective “**Preview**” links to preview the generated PDFs. **Failure to upload the required documents will result in a non-compliant submission.** See 37 CFR 1.290(d).

Total documents uploaded: 7		<a href="#">Download all documents</a>
 Third-party-notification-request.pdf (14 KB / 1 page )	Request for Notification of Non-compliant Third-Party Submission	<a href="#">Preview</a>
 third-party-preissuance-submission.pdf (47 KB / 2 pages )	Third-Party Submission Under 37 CFR 1.290	<a href="#">Preview</a>
 Concise-description-generated.pdf (26 KB / 1 page )	Concise Description of Relevance	<a href="#">Preview</a>
 Vibratory Device.pdf (38 KB / 10 pages )	Concise Description of Relevance	<a href="#">Preview</a>
 Data.pdf (1917 KB / 8 pages )	Concise Description of Relevance	<a href="#">Preview</a>

### 3.2.8 Calculating Fees

If you selected the “**Fee required**” radio button in the “**Statements**” section of the “**Enter citations**” screen to indicate that fees are due, along with the applicable entity status (“Regular Undiscounted” or “Small Entity”), the calculated fee for the submission, set forth in 37 CFR 1.290, will appear in the “**Payment details**” box at the bottom of the “**Review & submit**” screen.



## Statements \*

The party making the submission is not an individual who has a duty to disclose information with respect to the above-identified application under 37 CFR 1.56.

This submission complies with the requirements of 35 U.S.C. 122(e) and 37 CFR 1.290.

Third-party submission fee (select one of the options below):

- ☒ Fee required: The following fee set forth in 37 CFR 1.290(f) is submitted herewith:
  - ☒ Regular Undiscounted
  - ☐ Small Entity
- ☐ Fee exemption: The fee set forth in 37 CFR 1.290(f) is not required because this submission lists three or fewer total items and, to the knowledge of the person signing the statement after making reasonable inquiry, this submission is the first and only submission under 35 U.S.C. 122(e) filed in the above-identified application by the party making the submission or by a party in privity with the party
- ☐ Resubmission: This resubmission is being made responsive to a notification of non-compliance issued for an earlier filed third-party submission. The corrections in this resubmission are limited to addressing the non-compliance.

### Payment details

Fee code	Fee description	Item price (\$)	Quantity	Item total (\$)
1818	DOCUMENT FEE FOR THIRD-PARTY SUBMISSIONS (SEE 37 CFR 1.290(F))	\$180.00	1	\$180.00
Total fees selected to pay				\$180.00

### eFiler information

[Hide details](#)

First Name

Last Name

Email

By selecting “**Small Entity**,” the small entity fee is populated. By selecting “**Small Entity**” and paying the applicable small entity fee, the party making the submission asserts that the party qualifies as a small entity. If the third party qualifies as a small entity (e.g., a person, a small business concern, or a nonprofit organization), the fee is reduced as shown below. *Note: A third party is not eligible for the micro entity discount.*

### Payment details

Fee code	Fee description	Item price (\$)	Quantity	Item total (\$)
2818	DOCUMENT FEE FOR THIRD-PARTY SUBMISSIONS (SEE 37 CFR 1.290(F))	\$72.00	1	\$72.00
Total fees selected to pay				\$72.00

Also, note that if you selected either of the “**Fee exemption**” or “**Resubmission**” fee radio buttons in the “**Statements**” section of the “**Enter citations**” screen, the “**Review & submit**” screen will indicate no fee is due.



Fee(s) were not calculated for this submission. If you would like to add a fee selection, please click back and select a different option in the Statements section.

### 3.2.9 Review & submit







On the “**Review & submit**” screen, you will be presented with a review of the content of the active Third-Party Submission request. This will include all of the items entered on the “**Enter citations**” screen, the fee indicated from the “**Statements**” section on the “**Enter citations**” screen, as well as any additional documents uploaded on the “**Enter citations**” screen.

Also, on the “**Review & submit**” screen, confirm that all of the necessary documents uploaded properly. You will not be able to reach this screen until any errors are fixed.

Once you have uploaded all of the necessary documents for your submission and received no validation errors, click on the “**Submit**” or “**Submit & pay**” button to complete the submission.

Total documents uploaded: 7

[Download all documents](#)

 Third-party-notification-request.pdf (14 KB / 1 page )	Request for Notification of Non-compliant Third-Party Submission	<a href="#">Preview</a>
 third-party-preissuance-submission.pdf (47 KB / 2 pages )	Third-Party Submission Under 37 CFR 1.290	<a href="#">Preview</a>
 Concise-description-generated.pdf (26 KB / 1 page )	Concise Description of Relevance	<a href="#">Preview</a>
 Vibratory Device.pdf (38 KB / 10 pages )	Concise Description of Relevance	<a href="#">Preview</a>
 Data.pdf (1917 KB / 8 pages )	Concise Description of Relevance	<a href="#">Preview</a>
 1_2.pdf (73 KB / 2 pages )	Non Patent Literature	<a href="#">Preview</a>
 71.pdf (133 KB / 31 pages )	Translation of Non-Patent Publication	<a href="#">Preview</a>



If your document could not be validated, an error message will appear informing you of the reason for the validation failure. For more information, please review the Patent Center Quick Start Guide located at: <https://www.uspto.gov/patents/apply/patent-center>.

### 3.2.10 Pay Fees (FPNG)

In Fee Processing Next Generation (FPNG), you have the option of paying via a credit card or “**Stored Payment Method**” which includes a deposit account and an electronic funds transfer. Select the radio button that coincides with your method of payment. The “**Fee Amount**”, “**Qty (quantity)**” and “**Item Total (fee total)**” will be listed on the screen.

To make a payment, click the “**Submit Payment**” button located at the bottom of the screen.

**Note:** Only payment methods that are setup in your account will be available. The Credit /Debit Card option will always be available.

#### Payment

Order Details ⓘ

TOTAL  
\$180.00

Sale Item Reference #	Sale Item Reference #2	Attorney Docket #	Fee Code ⓘ	Fee Amount	Qty	Item Total
167	167		1818	\$180.00	1	\$180.00

#### Payment Information

Required fields \*

Payment Options \* ⓘ

- ☒ Stored Payment Method  
☐ Credit/Debit Card

Stored Payment Method \*

(select from drop down list) ▼

☐ Check the box to add a fee preauthorization to this order. ⓘ

Submit Payment

Cancel

### 3.2.11 Receipts

Once you have provided all of the necessary payment information and your payment is processed successfully, you will receive your Payment and Submission Receipts on the “**Receipt**” screen. You may print or save the receipt(s). Registered Filers will also have the option of viewing the Acknowledgement Receipt in the Workbench in Patent Center. The Acknowledgement Receipt displays the details of the submission, such as the file names of the uploaded documents and time stamp. The Payment Receipt will display a timestamp, payment details, and total amount paid.

UNITED STATES  
PATENT AND TRADEMARK OFFICEP.O. Box 1450  
Alexandria, VA 22313-1450  
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APPLICATION #

16/7 

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## Application Information

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PATENT CENTER # 92778813

AUTHORIZED BY

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## Payment Information

PAYMENT METHOD

CARD / 1111

PAYMENT TRANSACTION ID

E20244JE32398200

PAYMENT AUTHORIZED BY

De 

FEE CODE	DESCRIPTION	ITEM PRICE(\$)	QUANTITY	ITEM TOTAL(\$)
1818	DOCUMENT FEE FOR THIRD-PARTY SUBMI SSIONS (SEE 37 CFR 1.290(F))	\$180.00	1	\$180.00

TOTAL AMOUNT: \$180.00

## Submission receipt



UNITED STATES  
PATENT AND TRADEMARK OFFICE

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### ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #

16/7

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#### Application Information

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#### Documents

TOTAL DOCUMENTS: 6

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
Concise-description-generated.pdf	1	Concise Description of Relevance	26 KB
third-party-preissuance-submission.pdf	2	Third-Party Submission Under 37 CFR 1.290	47 KB
Vibratory Device.pdf	10	Concise Description of Relevance	38 KB
Data.pdf	8	Concise Description of Relevance	1917 KB
1_2.pdf	2	Non Patent Literature	73 KB
71.pdf	31	Translation of Non-Patent Publication	133 KB

If you have any questions or concerns regarding filing in Patent Center, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email [ebc@uspto.gov](mailto:ebc@uspto.gov) or telephone 866-217-9197.

## 4. Reference Materials

### 4.1 WIPO ST.3 Country Codes

LIST OF STATES, OTHER ENTITIES AND INTERGOVERNMENTAL ORGANIZATIONS, IN ALPHABETIC SEQUENCE OF THEIR SHORT NAMES, AND THEIR CORRESPONDING CODES (as of February 2015)

AFGHANISTAN	AF
AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI) <sup>(1)</sup>	OA
AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO) <sup>(1)</sup>	AP
ALBANIA	AL
ALGERIA	DZ
ANDORRA	AD
ANGOLA	AO
ANGUILLA	AI
ANTIGUA AND BARBUDA	AG
ARGENTINA	AR
ARMENIA	AM
ARUBA	AW
AUSTRALIA	AU
AUSTRIA	AT
AZERBAIJAN	AZ
BAHAMAS	BS
BAHRAIN	BH
BANGLADESH	BD
BARBADOS	BB
BELARUS	BY
BELGIUM	BE
BELIZE	BZ
BENELUX OFFICE FOR INTELLECTUAL PROPERTY (BOIP) <sup>(2)</sup>	BX
BENIN	BJ
BERMUDA	BM
BHUTAN	BT
BOLIVIA	BO
BOSNIA AND HERZEGOVINA	BA
BOTSWANA	BW
BOUVET ISLAND	BV
BRAZIL	BR
BRUNEI DARUSSALAM	BN
BULGARIA	BG
BURKINA FASO	BF
BURUNDI	BI
CAMBODIA	KH
CAMEROON	CM
CANADA	CA
CAPE VERDE ...	CV
CAYMAN ISLANDS	KY
CENTRAL AFRICAN REPUBLIC	CF
CHAD	TD
CHILE	CL

COOK ISLANDS.	CK
COSTA RICA	CR
COTE D'IVOIRE	CI
CROATIA	HR
CUBA	CU
CURACAO	CW
CYPRUS	CY
CZECH REPUBLIC	CZ
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	KP
DEMOCRATIC REPUBLIC OF THE CONGO	CD
DENMARK	DK
DJIBOUTI	DJ
DOMINICA ...	DM
DOMINICAN REPUBLIC	DO
ECUADOR	EC
EGYPT	EG
EL SALVADOR	SV
EQUATORIAL GUINEA	GQ
ERITREA	ER
ESTONIA	EE
ETHIOPIA	ET
EURASIAN PATENT ORGANIZATION (EAPO) <sup>(1)</sup>	EA
EUROPEAN COMMUNITY TRADE MARK OFFICE (See Office for Harmonization in the Internal Market)	
EUROPEAN PATENT OFFICE (EPO) <sup>(1)</sup>	EP
FALKLAND ISLANDS (MALVINAS)	FK
FAROE ISLANDS	FO
FIJI	FJ
FINLAND	FI
FRANCE	FR
GABON	GA
GAMBIA	GM
GEORGIA	GE
GERMANY <sup>(3)</sup>	DE
GHANA	GH
GIBRALTAR	GI
GREECE	GR
GREENLAND ...	GL
GRENADA ...	GD
GUATEMALA ...	GT
GUERNSEY.	GG
GUINEA	GN
GUINEA-BISSAU	GW

HONG KONG (See The Hong Kong Special Administrative Region of the People's Republic of China)	
HUNGARY	HU
ICELAND	IS
INDIA	IN
INDONESIA	ID
INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) <sup>(4)</sup>	IB, WO
INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)	XU
IRAN, ISLAMIC REPUBLIC OF	IR
IRAQ	IQ
IRELAND	IE
ISLE OF MAN	IM
ISRAEL	IL
ITALY	IT
JAMAICA	JM
JAPAN	JP
JERSEY	JE
JORDAN	JO
KAZAKHSTAN	KZ
KENYA	KE
KIRIBATI	KI
KOREA (see Democratic People's Republic of Korea; Republic of Korea)	
KUWAIT	KW
KYRGYZSTAN	KG
LAO PEOPLE'S DEMOCRATIC REPUBLIC	LA
LATVIA	LV
LEBANON	LB
LESOTHO	LS
LIBERIA	LR
LIBYAN ARAB JAMAHIRIYA	LY
LIECHTENSTEIN	LI
LITHUANIA	LT
LUXEMBOURG	LU
MACAO	MO
MACEDONIA (see The former Yugoslav Republic of Macedonia)	
MADAGASCAR	MG
MALAWI	MW
MALAYSIA ...	MY
MALDIVES ...	MV
MALI	ML
MALTA	MT
MAURITANIA	MR
MAURITIUS	MU
MEXICO	MX
MOLDOVA (see Republic of	

MYANMAR	MM
NAMIBIA	NA
NAURU	NR
NEPAL	NP
NETHERLANDS	NL
NEW ZEALAND	NZ
NICARAGUA	NI
NIGER	NE
NIGERIA	NG
NORDIC PATENT INSTITUTE (NPI)	XN
NORTHERN MARIANA ISLANDS	MP
NORWAY	NO
OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS) (OHIM)	EM
OMAN	OM
PAKISTAN ...	PK
PALAU	PW
PANAMA	PA
PAPUA NEW GUINEA	PG
PARAGUAY	PY
PATENT OFFICE OF THE COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF (GCC)	GC
PERU	PE
PHILIPPINES ...	PH
POLAND	PL
PORTUGAL	PT
QATAR	QA
REPUBLIC OF KOREA	KR
REPUBLIC OF MOLDOVA	MD
ROMANIA	RO
RUSSIAN FEDERATION	RU
RWANDA	RW
SAINT HELENA	SH
SAINT KITTS AND NEVIS ...	KN
SAINT LUCIA ...	LC
SAINT VINCENT AND THE GRENADINES	VC
SAMOA	WS
SAN MARINO	SM
SAO TOME AND PRINCIPE	ST
SAUDI ARABIA	SA
SENEGAL	SN
SERBIA	RS
SEYCHELLES	SC
SIERRA LEONE	SL
SINGAPORE	SG
SINT MAARTEN (Dutch part)	SX
SLOVAKIA ...	SK
SLOVENIA ...	SI
SOLOMON ISLANDS	SR



SURINAME	SR
SWAZILAND	SZ
SWEDEN	SE
SWITZERLAND	CH
SYRIAN ARAB REPUBLIC	SY
TAIWAN, PROVINCE OF CHINA	TW
TAJIKISTAN	TJ
TANZANIA (see United Republic of Tanzania)	
THAILAND ...	TH
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	MK
THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA	HK
TIMOR-LESTE	TL
TOGO.	TG
TONGA	TO
TRINIDAD AND TOBAGO	TT
TUNISIA	TN

TUVALU	TV
UGANDA	UG
UKRAINE	UA
UNITED ARAB EMIRATES	AE
UNITED KINGDOM	GB
UNITED REPUBLIC OF TANZANIA	TZ
UNITED STATES OF AMERICA	US
URUGUAY ...	UY
UZBEKISTAN ...	UZ
VANUATU ...	VU
VATICAN CITY STATE (See Holy See)	
VENEZUELA	VE
VIET NAM	VN
VIRGIN ISLANDS, BRITISH	VG
WESTERN SAHARA <sup>(5)</sup>	EH
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) (INTERNATIONAL BUREAU OF) <sup>(4)</sup>	WO, IB

- (1) Intergovernmental organizations (regional patent offices) acting for certain Contracting States under the PCT (Patent Cooperation Treaty). In case of the European Patent Office, it also acts as International Searching Authority and International Preliminary Examining Authority under the PCT.
- (2) The Benelux Office for Intellectual Property (BOIP) (former Benelux Trademark and Designs Offices) have replaced the national Offices of Belgium, Luxembourg and the Netherlands with regard to actions relating to marks and industrial designs.
- (3) In the electronic database of the International Register of Marks, the International Bureau of WIPO uses the following additional codes, not part of the active codes of Standard ST.3: "DD" to designate Germany without the territory that, prior to October 3, 1990, constituted the Federal Republic of Germany; "DT" to designate Germany without the territory that, prior to October 3, 1990, constituted the German Democratic Republic.
- (4) The code "WO" is used in relation to the international publication under the Patent Cooperation Treaty (PCT) of international applications filed with any PCT receiving Office, as well as in the publication of international deposits of industrial designs under the Hague Agreement Concerning the International Deposit of Industrial Designs. In this regard, reference is made to INID code (33) given in WIPO Standards [ST.9](#) and [ST.80](#). The code "WO" is also the appropriate code to be used with respect to international registrations of marks under the Madrid Agreement and the Madrid Protocol Concerning the International Registration of Marks. The code "IB" is used in relation to the receipt of international applications under the PCT filed with the International Bureau of WIPO in its capacity as a PCT receiving Office.
- (5) Provisional name.

## 4.2 WIPO ST.16 Kind Codes

### Summary of USPTO Kind Codes Used on Documents Published Beginning January 2, 2001

WIPO ST.16 Kind Codes	Kind of document	Comments
A1	Patent Application Publication	Pre-grant publication available March 2001



### Summary of USPTO Kind Codes Used on Documents Published Beginning January 2, 2001

A2	Patent Application Publication (Republication)	Pre-grant publication available March 2001
A9	Patent Application Publication (Corrected Publication)	Pre-grant publication available March 2001
B1	Patent	No previously published pre-grant publication
B2	Patent	Having a previously published pre-grant publication and available March 2001
C1, C2, C3	Reexamination Certificate	Previously used codes B1 and B2 are now used for granted Patents
E	Reissue Patent	No change
H	Statutory Invention Registration (SIR)	No change
P1	Plant Patent Application Publication	Pre-grant publication available March 2001
P2	Plant Patent	No previously published pre-grant publication
P3	Plant Patent	Having a previously published pre-grant publication and available March 2001
P4	Plant Patent Application Publication (Republication)	Pre-grant publication available after March 2001

### Summary of USPTO Kind Codes Used on Documents Published Beginning January 2, 2001

P9	Plant Patent Application Publication (Corrected Publication)	Pre-grant publication available March 2001
S	Design Patent	No change

### Summary of USPTO Kind Codes Added As Result of America Invents Act of 2011

WIPO ST.16 Kind Codes	Kind of document	Comments
F1, F2, F3	Supplemental Examination Certificate	Procedure in effect September 16, 2012
J1, J2, J3	Post Grant Review Certificate	Procedure in effect September 16, 2012
K1, K2, K3	Inter Partes Review Certificate	Procedure in effect September 16, 2012
O1, O2, O3	Derivation Certificate	Procedure in effect March 16, 2013