

TABLE B – POST-ISSUANCE PTO PROCEEDINGS AVAILABLE TO PATENT OWNERS

	Ex Parte Reexamination	Supplemental Examination	Reissue	Certificate of Correction
PTO Decision-Making Body	Central Reexamination Unit (CRU)	Central Reexamination Unit (CRU)	Examiner	Supervisory Examiner (except that Certificate of Corrections Branch may handle errors that are clearly minor, clerical or typographical).
Time Available	Any time during the enforceable life of a patent.	Any time during the enforceable life of any patent that was enforceable on or after September 16, 2012.	Any time during the enforceable life of a patent.	Any time during the enforceable life of a patent.
Grounds Considered	§§ 102 and 103, based on patents and printed publications only.	§§ 101, 102, 103, and 112. Any type of written information “believed to be relevant to the patent.”	§§ 101, 102, 103, and 112. Patents, printed publications, defects relating to subject matter eligibility, utility, written description, enablement and clarity.	1) Clerical or typographical mistakes or mistakes of “minor character” by the applicant; 2) any mistake by PTO “clearly disclosed” in PTO records; 3) mistakes concerning inventorship.
Standard to Initiate	Substantial new question of patentability.	Substantial new question of patentability.	Admission of defect in patent by patent owner.	Discretionary. Proof of facts required to correct inventorship.
Allowability of Amendments	Yes, claims can be narrowed but cannot broaden.	No amendments during supplemental examination itself. If ex parte reexamination is ordered, amendments allowed but cannot broaden.	Yes, claims can be narrowed any time, or broadened if at least one change that broadens claims is applied for within 2 years of grant of original patent.	Yes, but cannot add new matter or make changes that require reexamination.
Availability of Appeal	Yes, Examiner’s final rejection of any claims may be appealed to PTAB; adverse decisions of PTAB are appealed to the CAFC.	Denial is final and not appealable, but may petition Director under 37 CFR 1.181.	Appeal to PTAB; adverse decisions of PTAB are appealed to the CAFC.	Petition to Technology Center Director under 37 CFR 1.181.

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