

USPTO Issues Guide for Filing Preissuance Submissions Electronically

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The U.S. Patent and [Trademark Office](#) recently released a guide for filing preissuance submissions electronically via its EFS Web system. The guide is intended to make it easier for third parties to submit printed publications of potential relevance to the patentability of another's claimed invention under the [preissuance submission provision of the America Invents Act](#).

As we have previously discussed on this [IP Law Blog](#), a preissuance submission must be timely filed, in writing, and contain:

- A list identifying the items being submitted;
- A concise description of the relevance of each item listed;
- A legible copy of each non-U.S. patent document listed;
- An English language translation of any non-English language item listed;
- A statement by the party making the submission that the submission complies with the statute and the rule; and
- The required fee.

Although the USPTO accepts submissions filed by paper or electronically, the agency encourages the use of electronic submissions via EFS Web. According to the USPTO, the EFS Web guides a third party through the content requirements for a preissuance submission to ensure that the third party makes a compliant submission. The system also calculates the timeliness of the submission to determine whether the submission is being made during permitted statutory time window.

To encourage the use of [electronic filing](#), the USPTO has created an [EFS Web Quick Start Guide](#). This guide outlines the steps that a third party must follow to make an electronic submission. For more information about preissuance submission, we also encourage you to [contact us](#) today by phone or email to schedule your free 30-minute consultation.

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