

2.22 Annex C – Re-Examination Checklist

Step 1. Do I need to consider if re-examination is warranted?

Re-examination initiated by Third Party Request; Court Order.	No	Re-examination is automatic. Patent Oppositions does pre-processing and sends any necessary letters before forwarding the case to the relevant examination section. Go to Step 4
Re-examination initiated by Withdrawn Opposition; Quality Review; Section 27; New Prior Art.	Yes	Check with supervising examiner Done <input type="checkbox"/> Consult with Patent Oppositions (in the case of quality review or new prior art) Done <input type="checkbox"/> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>NOTE: For withdrawn oppositions, the supervising examiner fills out the appropriate paperwork when he/she agrees that examination is warranted.</p> </div> Go to Step 2

Step 2. Is re-examination warranted?

No	End of Process
Yes	Has a patent already been granted? <input type="checkbox"/> Yes Send an "Intention to Re-examine" letter if appropriate. Go to step 3 if letter sent, otherwise Go to Step 4 <input type="checkbox"/> No Place a "bar to grant" entry in the "Deferment of Grant Details" box in the "Examination Details" screen in PAMS. Go to Step 4

Step 3. Response to "Intention to Re-examine" letter

Response within seven days indicating Court action is pending.	End of Process
Response within seven days indicating that no Court action is pending.	Go to Step 4
No response within seven days.	Go to Step 4

Step 4. Write draft report**Issues to be considered**

Novelty	<input type="checkbox"/>	
Inventive (or innovative) step	<input type="checkbox"/>	
Usefulness	<input type="checkbox"/>	
Manner of Manufacture	<input type="checkbox"/>	
Section 40 issues		
Pre-IP Reform cases		
<ul style="list-style-type: none"> • full description, including best method of performance 	<input type="checkbox"/>	
<ul style="list-style-type: none"> • clarity and succinctness 	<input type="checkbox"/>	
<ul style="list-style-type: none"> • fair basis 	<input type="checkbox"/>	
Post-IP Reform cases		
<ul style="list-style-type: none"> • clear enough and complete enough disclosure, including best method of performance 	<input type="checkbox"/>	
<ul style="list-style-type: none"> • clarity and succinctness 	<input type="checkbox"/>	
<ul style="list-style-type: none"> • support 	<input type="checkbox"/>	
<ul style="list-style-type: none"> • omnibus claims 	<input type="checkbox"/>	

Actions

Consider any amendments or submissions if appropriate.		
Amendments considered: Date: Item numbers:		
NOTE: If amendments are not allowable, refer to 2.22.5.6 Proposed Amendments are not Allowable for practice to be followed.		
If there are issues to be resolved:	<p>Write an adverse report.</p> <ul style="list-style-type: none"> • Supervised by senior examiner Done <input type="checkbox"/> • E-mail case number to Patent Oppositions and request review Done <input type="checkbox"/> • Revise if necessary and dispatch Done <input type="checkbox"/> • E-mail case number and the date the report was issued to Patent Oppositions Done <input type="checkbox"/> <p>No further examiner action until response received. Go to Step 5</p>	
All objections overcome and amendments are allowable.	<p>Write a non-adverse report.</p> <ul style="list-style-type: none"> • Complete sec 104 allowance form. Notify COG and Patent Oppositions. <p>End of Process</p>	<p>Done <input type="checkbox"/></p> <p>Done <input type="checkbox"/></p>

Step 5. Response within 2 months?

Yes	Go to Step 4
No	Patent Oppositions initiate refusal or revocation. No further examiner action.