

Heaton, John (Ricou)

From: Melius, Terry
Sent: Tuesday, October 28, 2014 9:51 AM
To: Patent Examining Mgrs 3600; Patent Examining TQAS 3600
Cc: Matecki, Kathy; Rada, Rinaldi; Lefkowitz, Edward; Vidovich, Greg
Subject: FW: SAWS Update
Attachments: SAWS-Commissioner-Form-Template-1-2014.doc; SAWS-Memo-TC3600-1-2014.doc; SAWS-Procedure-TC-3600-1-2014.doc; SAWS-Subject-Matter-TC-3600-1-2014.doc

Hi All,

Tis the season for any SAWS updates. The Commissioner Template, TC-3600 Memo and the TC-3600 Procedure will stay the same.

Please send any proposed TC specific "Subject Matter List" additions/changes to me by Noon on Friday (10/31).

NOTE: I am already going to add the following to the TC-3600 list:

5) Special applications within the pro se Art Unit 3649 (extremely broad claims, unusual subject matter, etc.).

Thanks,
Terry

From: Melius, Terry
Sent: Friday, January 10, 2014 10:42 AM
To: Patent Examining Mgrs 3600; Patent Examining TQAS 3600
Cc: Matecki, Kathy; Lefkowitz, Edward; Vidovich, Greg
Subject: SAWS Update

Hi All,

Attached are the documents for the SAWS program (TC Memo, TC Procedure, Subject Matter list and Commissioner's form). Please go over them at your next Art Unit meeting. There are no changes from last year so it can be a very quick topic.

However, if you do have some very recent hires, make sure you go over it with them (either at the meeting or individually).

Thanks,
Terry

Heaton, John (Ricou)

From: Melius, Terry
Sent: Friday, November 14, 2014 1:18 PM
To: Patent Examining Mgrs 3600; Patent Examining TQAS 3600
Cc: Rada, Rinaldi; Matecki, Kathy; Lefkowitz, Edward; Vidovich, Greg
Subject: SAWS Update
Attachments: SAWS-Commissioner-Form-Template-11-2014.doc; SAWS-Memo-TC3600-11-2014.doc; SAWS-Procedure-TC-3600-11-2014.doc; SAWS-Subject-Matter-TC-3600-11-2014.doc

Hi All,

Attached are the documents for the SAWS program (TC Memo, TC Procedure, Subject Matter List and Commissioner's form). Please go over them at your next Art Unit meeting (please complete this by the beginning of January).

The only change from last year is adding another topic to the TC-Specific Subject Matter list dealing with special applications in the newly created "pro se" Art Unit 3649. Everything else is the same, so this can be a very quick topic. However, if you do have some very recent hires, make sure you go over it with them (either at the meeting or individually).

Thanks,

Terry

To: Terry Melius, SAWS POC: TC-3600
Cc: Robert (Bob) Weinhardt, SAWS POC: TC-3600

From: Home SPE – Art Unit-36xx

Date: Month/Day/Year

Re: SAWS Report/Memo for XX/xxx,xxx

Application Information:

Prosecution Status:

Actual Filing Date:

Effective Filing Date:

Foreign Priority Date:

Assistant Examiner:

Primary Examiner:

SPE:

Title:

Inventor(s):

Assignee:

Key Words:

Short Summary of Technology (non-technical):

Technical Explanation:

Impact Statement (consider press releases, publically traded companies/stock price, political nature of the invention; use attachments when helpful):

Family History (please list all family members and their prosecution status):

Claims Status (listing of allowable claim numbers including full text of all independent claims, where relevant):

DATE: November 14, 2014

TO: TC-3600 SPEs, TQASs, MQASs and Examiners

FROM: TC-3600 SAWS Committee & TC-3600 Directors

SUBJECT: Sensitive Application Warning System (SAWS)

This memo is intended to inform or remind the Technology Center of the existence of the SAWS program and to transmit information relating to potentially sensitive application to appropriate contacts within the Office. The following overview sets forth the current procedure for TC-3600.

Following receipt of any updated SAWS material, SPEs are required to discuss the nature of the program and the processing guidelines with their examiners in their next art unit meeting. SAWS updates/reminders will be forwarded by the TC SAWS POC bi-annually.

Purpose:

The SAWS program is designed as an information gathering system to apprise various segments of the PTO of patent application that include subject matter of special interest and/or sensitive information.

Operational Overview:

This program applies to **ALL** pending patent applications that disclose potential SAWS subject matter, including Reexams, Reissues and applications being forwarded to the BPAI.

The SAWS program is based upon a tiered process of application identification. This approach utilizes the Examiner, the SPE and the TC-3600 SAWS Committee. The program is designed to allow for the earliest possible identification, and includes the ability to flag applications both during prosecution and at the time of indication of allowable subject matter.

The SAWS identification process is continual in nature. All applications within the Technology Center area are reviewed under the processing guidelines.

To maximize application identification, the following protocol has been developed:

1. Examiner case identification (notify SPE)
2. SPE review/screening of identified applications for verification of SAWS material (notify SAWS Committee)
3. SAWS Committee review /screening of application for verification and for logging the application into the SAWS Database (thereby setting the flag)
4. For applications being forwarded to the BPAI :
 - a. E-mail POC for the BPAI (currently Ms. Kimberly Jordan)
 - i. Serial Number
 - ii. Statement verifying SAWS status for the present application
5. For applications in allowable form, a Director level review will be conducted on the current set of claims
 - a. SAWS status still applicable?
 - i. If **yes**, a **detailed report** will be generated for the Office of the Commissioner for Patents (see attached Commissioner's Form/Template for all required information)
 1. Notice of Allowance (NOA) will not be mailed until response from the report is obtained
 - ii. If **no**, flag will be removed and the NOA mailed

The SAWS Committee:

The TC-3600 SAWS Committee consists of the BPSPs and the TQASs. A chairman maintains the database and directs information to the Committee and the Directors in the form of regular reports (normally quarterly). The Committee is responsible for developing and implementing the SAWS procedure and for issuing reminders of the SAWS process to the SPEs and examiners of the TC.

The current SAWS Committee members are:

1. Terry Melius (Database Manager)
2. Robert Weinhardt
3. Marc Jimenez
4. Mikado Buiz

Additional Information:

- 1) **SAWS Subject Matter Listing**
- 2) **TC-3600 SAWS Processing Guidelines**
- 3) **TC-3600 Commissioner's Office Notification Form**

TC-3600

Sensitive Applications Warning System (SAWS)

Processing Guidelines

1) Examiner Case Identification

The SAWS program is based on a tiered process of application identification. This approach first utilizes the judgment of the Examiner and then the home SPE in considering whether an application's subject matter is sensitive. Examiners and managers should use their judgment and are encouraged to be *liberal* in their identification as to whether or not an application contains potential SAWS material. A common sense approach should be used to scrutinize the general nature of the invention, the claims and the title. In order to provide the broadest recognition of applications of interest, the Examiners will be provided with a list of subject matter areas that are considered to be controversial and/or newsworthy, or are directed to specifically identified "of interest" subject matter (see attached). This list is considered non-exhaustive. This initial determination by the Examiner is intended to cast a broad net for cases of interest.

The Examiners, upon discovery of an application containing potential SAWS material, should report the case information to their immediate Supervisory Patent Examiner (serial number and a brief reason why they consider the application to be a SAWS case).

2) SPE Review/Screening of Application Information

Having received an initial SAWS report from the Examiner, the SPE reviews the information and makes a determination as to whether or not the Application contains SAWS subject matter. If the SPE determines the case does potentially contain SAWS subject matter, the SPE will report the case information, as early in prosecution as possible, to the SAWS committee database manager (TC SAWS POC) for review and entry into the TC SAWS database.

The following information should be forwarded by the SPE:

1. Serial Number
2. Examiner Name
3. Art Unit
4. Brief statement as to why this application should be listed in the SAWS database

The SPE may add impact statements as appropriate. The SPE is instructed to be liberal in case identification, but to screen out cases that are clearly of a routine nature.

If the SPE determines that the application is routine in nature, no database entry is necessary and the case may be returned to the examiner.

3) SAWS Review/Screening of Application Information Forwarded from the SPE

The SAWS Committee database manager will flag/group the application in PALM Expo. The Saws Committee Chairman will prepare reports to be forwarded to the TC Director (as requested).

If necessary, the SAWS manager may convene the Committee to review the application data report and make a recommendation as to whether the application contains SAWS information. The Committee will consist of the TQASs and the BPSP, but can include SPEs representing a cross section of the Technology Center. The chairperson of this committee is responsible for collection of the application reports and dissemination as necessary.

4) Director Level Review and Forwarding

The TC Director will review the reports. Following this review, if determined appropriate, the information will be forwarded to the Office of the Commissioner for Patents (particularly the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy).

The TC Director at his/her discretion may call for or participate in any SAWS Committee meeting to consider SAWS designation. The Director will also review each SAWS application that is in condition for allowance and determine if a report is to be sent to the Office of the Commissioner for Patents prior to mailing of the Notice of Allowance (NOA).

5) Handling of Applications to be Forwarded to the Board of Patent Appeals and Interferences (BPAI)

The TC-3600 Appeal Conference Specialists will cross-check the application for each appeal with the current list of SAWS applications in the TC. If/when a match is found and the application is in condition to be forwarded to the BPAI, the Appeal Conference Specialist will forward an e-mail message to the Point-of-Contact (POC) for the BPAI (currently the POC is Ms. Kimberly Jordan). The e-mail will include: 1) the application serial number and 2) A statement verifying that the identified application is a SAWS application.

6) SAWS Database Management and Application Tracking

The status of all designated applications must be updated in the database at the time of allowance or abandonment. The PALM Expo flag, once applied to the application, will prevent mailing at the time of disposal. The application serial number must be sent to the SAWS data base manager to remove the flag (can be sent by the SPE or the docket clerk **after counting and before mailing**). This procedure will not hold up Examiner's counts (**the work credit will be given when the work was performed**).

SAWS Application Identification Subject Matter

Corps-wide Potential SAWS Subject Matter:

1. Applications dealing with inventions, which, if issued, would potentially generate unwanted **media coverage (i.e., news, blogs, forums)**.
2. Applications disclosing seemingly **frivolous or silly** subject matter – paying special attention to the **title, abstract and cover drawing**.
3. Applications with claims of broad or domineering scope and/or which have old effective filing dates (submarines).
4. Applications with claims of pioneering scope.
5. Applications that have objectionable or derogatory subject matter in the specification and/or drawing(s) and/or claims.
6. Applications claiming inventions, which would endanger individuals, the environment, the security of our nation, or public safety.
7. Applications claiming inventions that include explicit recitations of race, ethnicity, origin, or other prescribed populations.
8. Applications claiming a method/apparatus to take a human life (e.g. suicide machine).
9. Applications claiming a method or apparatus for abortion.
10. Applications claiming a motor or power plant, which is self-sustaining (perpetual motion machine, etc.) or which appears to violate the laws of physics (e.g. antigravity, faster than the speed of light, etc.).
11. Applications claiming the prevention or curing of diseases, which were previously considered impossible to prevent or cure.
12. Applications about human cloning.
13. Commissioner-ordered re-exams, except those ordered because of prior art timely filed, but not considered, before the patent issued, or for prior art submitted under 37 CFR §1.501.
14. Reexamination and Reissue cases in which:
 - Litigation involves the Supreme Court,
 - Litigation where the judgment on a patent was either favorable or unfavorable and a high dollar amount was awarded to either party, or

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- Technology/Companies that are recognized by the public or have been reported in the media or there is a high probability that the media would report on it in the future based on any action taken by the PTO.

TC-3600 Specific Subject Matter:

1) Applications with special Licensing and Review issues (e.g., disputes with DOD or DOE.)

2) Security Vault Applications.

3) Applications with claims specifically reciting statutes, or governmental functions, including functions of the USPTO.

4) Applications dealing with tax strategies.

→ 5) Special applications within the pro se Art Unit 3649 (extremely broad claims, unusual subject matter, etc.).