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TO: TC 2800 managers

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SUBJECT: Reminder on TC 2800 Guidelines for Sensitive Application Warning System (SAWS) Program Reminder

This is to remind our personnel that Technology Center 2800 has in place a SAWS program based on the following guidelines. All TC 2800 managers must remind their examiners of this program and its implementation.

Attached is the updated TC 2800 SAWS program. Please review and disseminate.



SPECIAL APPLICATION WARNING SYSTEM (SAWS)

Technology Center 2800
March 27, 2006

I. PROGRAM OVERVIEW:

The SAWS program was designed to assist in processing of patent applications identified as claiming subject matter of special interest that, if issued, would potentially generate high publicity or would potentially have a strong impact in the patent community. It is also an information gathering system to apprise various segments of the USPTO of these patent applications.

This program applies to all pending applications and reexamination proceedings (reexams).

As a program to assist in processing of patent applications and patents undergoing reexamination, it is intended to ensure that the examination standards and guidelines are applied properly to such applications and reexams that include sensitive or noteworthy subject matter.

As an information gathering system, the SAWS program should identify applications and reexams that, if issued as a patent or reexamination certificate, would be controversial or noteworthy.

The initial identification of SAWS applications/reexams is performed by the examiners (may also include managers and classifiers). Therefore, it is important that examiners stay informed about this program and the identification criteria.

Independent of the SAWS program, examiners are encouraged to bring to their supervisor's attention any application/reexam that raises issues that they are uncertain how to handle. Supervisors are responsible for determining which applications/reexams proceed through the SAWS program versus those applications/reexams having other issues which are normally addressed by existing examination procedures and established examination/re-examination guidelines.

II. OPERATIONAL OVERVIEW:

TC 2800 handles the SAWS program based upon a tiered process of application/reexams identification. This process relies on Examiners and SPEs to identify these applications/reexams, and a SAWS screening committee to verify their status. The SAWS screening committee comprises the home SPE, at least one of the following managers in the TC 2800 Quality Center:

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Cassandra Spyrou, Clayton LaBalle and Hien H. Phan, and another TC 2800 management official.

Applications/Reexams which have been identified and verified as containing SAWS material are reported the TC Directors, and as needed, a SAWS memorandum is forwarded to the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy prior to allowance or forwarded to the Board of Patent Appeals and Interferences (BPAI) when an appeal is forwarded to the jurisdiction of the BPAI.

A. Technology Center 2800 Practice:

1. Examiners are the first line of review since they are the most knowledgeable about the pending claims and application/reexamination issues. Examiners will report potential SAWS applications/reexams to their SPE. Upon approval of the SPE, the case will be brought by the SPE to Clayton LaBalle, Cassandra Spyrou or Hien H. Phan for entering the SAWS application/reexam number into the TC 2800 tracking system.
2. Flagging an identified SAWS application/reexam in PALM to ensure that the application/reexam cannot be allowed or an NIRC issued until the flag has been removed.
3. TC 2800 has established a screening mechanism to remove non-SAWS applications/reexams from their SAWS designation. This screening mechanism permits a second review and will result in a recommendation as to whether the application/reexam contains SAWS subject matter. The SAWS screening committee will perform the second screening review.
4. Applications/reexams that have been through the TC screening mechanism and have been identified as SAWS applications/reexams will be brought to the attention of the TC Directors. The TC Director will bring them to the attention of the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy.
5. For uniformity and process improvements, a SPRE, QAS, or a SAWS TC-screening committee must be utilized. A SPRE, QAS, or a SAWS TC-screening committee will be tasked to periodically review the SAWS processing guidelines and criteria to continually update and revise the program as needed.
6. Placing a PALM Flag on subject classes, which encompass sensitive subject matter until a review of these cases is performed upon allowance (such as business methods, class 705).
7. A reminder and an updated SAWS criteria list will be distributed, at least semi-annually, to examiners to stress the importance of SAWS application identification. All newly hired examiners should be made aware of this TC 2800 SAWS program

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B. Subject matter of special interest in TC 2800

1. Perpetual motion machines; classes 310 and 290
2. Anti-gravity devices
3. Room temperature superconductivity; class 310
4. Free energy – Tachyons, etc.
5. Gain-Assisted Superluminal Light Propagation (faster than the speed of light); class 702, 359
6. Other matters that violate the general laws of physics; classes 73, 290.
7. Applications containing claims to subject matter which, if issued, would generate unfavorable publicity for the USPTO, class 84, 702.
8. Reexamination proceedings involving patents in litigation and:
The court decision/verdict is subject to review by the Supreme Court
The court decision includes high monetary awards
The technology and companies involved would likely generate high publicity

C. Corps-wide Potential SAWS subject Matter

1. Applications with a very old effective filing date (pre-Gatt – before June 8, 1995) with broad claim scope.
2. Application with pioneering scope.
3. Applications dealing with inventions that, if issued, would potentially generate extensive publicity.
4. Applications with objectionable or derogatory subject matter,
5. Applications with inventions that would harm people or the environment, compromise national security or public safety.
6. Director's Ordered reexams except those ordered due to failure to consider timely filed prior art or due to prior art citation under 37 CFR §1.501.