United States Patent and Trademark Office
Office of Enrollment and Discipline (OED)

General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases before the United States Patent and Trademark Office[1]

[1] The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This guidance is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. *See Premysler v. Lehman*, 71 F.3d 387, 390 (Fed. Cir. 1995) ("the General Requirements do not bind the public to new regulations that were not subject to notice and comment").

Issued April 2021

UNITED STATES PATENT AND TRADEMARK OFFICE
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General Requirements Bulletin

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GENERAL REGISTRATION INFORMATION

I. RECOGNITION OF ATTORNEYS AND AGENTS

The regulations governing the recognition of individuals to practice before the United States Patent and Trademark Office (USPTO or Office) in patent cases are set forth in 37 CFR §§ 11.5 (Register of attorneys and agents in patent matters), 11.6 (Registration of attorneys and agents), 11.7 (Requirements for registration), 11.8 (Oath and registration fee), 11.9 (Limited recognition in patent matters), and 11.16 (Law School Clinic Certification Program).

The USPTO Director is given statutory authority to require a showing by patent practitioners that they are "possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the [USPTO]." 35 U.S.C. § 2(b)(2)(D). The primary responsibility for protection of the public from unqualified practitioners before the USPTO rests with the Director of the USPTO. *See Hsuan-Yeh Chang v. Kappos*, 890 F. Supp. 2d 110, 116-17 (D.D.C. 2012) ("Title 35 vests the [Director of the USPTO], not the courts, with the responsibility to protect [US]PTO proceedings from unqualified practitioners.")(quoting *Premysler v. Lehman*, 71 F.3d 387, 389 (Fed. Cir. 1995)), *aff'd sub nom. Hsuan Yeh Chang v. Rea*, 530 F. App'x 958 (Fed. Cir. 2013).

Pursuant to that responsibility, USPTO regulations provide that an individual will not be registered to practice before the USPTO unless he or she possesses the legal, scientific, and technical qualifications necessary for him or her to render applicants valuable service. *Premysler*, 71 F.3d at 389-90; 37 CFR § 11.7(a)(2)(ii). This General Requirements Bulletin sets forth guidance for complying with the provisions of 37 CFR § 11.7. *See, e.g., Premysler*, 71 F.3d at 389-90 ("The Commissioner promulgated the *General Requirements* bulletin to interpret this regulation" [37 CFR § 11.7].).

There are a number of ways for an applicant to prove sufficient basic training in scientific and technical matters required by 37 CFR § 11.7(b)(1)(i)(C). This General Requirements Bulletin sets forth the kinds of credentials that typically demonstrate technical competence under § 11.7(a)(2)(ii). In particular, this General Requirements Bulletin sets forth three categories, Categories A-C, which may be used to demonstrate possession of the required technical and scientific training. If an applicant does not qualify under any of the categories set forth in this General Requirements Bulletin, the USPTO will conduct an independent review for compliance with the scientific and technical training requirement set forth in § 11.7(a)(2)(ii).

II. REQUEST FOR WAIVER OF THE EXAMINATION FOR FORMER USPTO EMPLOYEES UNDER 37 CFR § 11.7(d)

Former patent examiners who by July 26, 2004 had not actively served four years in the patent examining corps, and were serving in the corps at the time of their separation must consult 37 CFR § 11.7(d)(1) for registration requirements premised on their service as patent examiner.

Former patent examiners who by July 26, 2004 had actively served four years in the patent examining corps, and were serving in the corps at the time of their separation must consult 37 CFR § 11.7(d)(2) for registration requirements premised on their service as a patent examiner.

Certain other former Office employees who were not serving in the patent examining corps upon their separation from the Office must consult 37 CFR § 11.7(d)(3) for registration requirements premised upon their service in the Office.

Former Office employees must meet the scientific and technical training requirements for admission to the registration examination. Former Office employees, including examiners, seeking registration by the waiver must submit the following documents:

Application for Registration to Practice before the USPTO [Form PTO-158];

Undertaking Under 37 CFR § 11.10(b) [Form PTO-275] (if not previously completed and submitted);

Application fee as required by 37 CFR § 1.21(a)(1)(i) **or** 37 CFR § 1.21(a)(10). Please make payment by check or money order payable to the Director of the USPTO;

Official Transcripts. Former Office employees may provide a copy of an official transcript on file in the United States Patent and Trademark Office's Office of Human Resources. A USPTO OHR staff member must note that the original is in the former employee's personnel file.

To request waiver of the examination, place an "X" in the appropriate box of the Application for Registration. Please provide documentation showing satisfaction of the requirements of 37 CFR § 11.7(d)(1) or (d)(2) or (d)(3). All relevant documentation must be submitted with the application. Please refer to the Instructions for Applying for Admission to the Examination for additional information.

III. SCIENTIFIC AND TECHNICAL TRAINING REQUIREMENTS FOR ADMISSION TO THE EXAMINATION

An applicant applying for the examination must demonstrate to the Director of the Office of Enrollment and Discipline (OED) that he or she possesses the scientific and technical training necessary to provide valuable service to patent applicants. *Applicant bears the burden of showing the requisite scientific and technical training.* To be admitted to the examination, each applicant must demonstrate possession of the required scientific and technical training.

A. CATEGORY A: *Bachelor's Degree in a Recognized Technical Subject*. An applicant will be considered to have established to the satisfaction of the OED Director that he or she possesses the necessary scientific and technical training if he or she provides an official transcript showing that a Bachelor's degree was awarded in one of the following subjects by an accredited United States college or university, or that the equivalent to a Bachelor's degree was awarded by a foreign university in one of the following subjects:

Biology
Biochemistry
Botany
Computer Science*
Electronics Technology
Food Technology
General Chemistry
Marine Technology
Microbiology
Molecular Biology
Organic Chemistry
Pharmacology
Physics
Textile Technology
Aeronautical Engineering
Agricultural Engineering
Biomedical Engineering
Ceramic Engineering
Chemical Engineering
Civil Engineering
Computer Engineering
Electrical Engineering
Electrochemical Engineering
Engineering Physics
General Engineering
Geological Engineering
Industrial Engineering
Mechanical Engineering
Metallurgical Engineering
Mining Engineering
Nuclear Engineering
Petroleum Engineering

*Acceptable Computer Science degrees must be accredited by the Computer Science Accreditation Commission (CSAC) of the Computing Sciences Accreditation Board (CSAB), or by the Computing Accreditation Commission (CAC) of the Accreditation Board for Engineering and Technology (ABET), on or before the date the degree was awarded. Computer science degrees that are accredited may be found on the Internet (http://www.abet.org).

An applicant with a Bachelor's degree in one of the above-identified subjects must submit an official transcript from the college or university. *A diploma, copy of the diploma, or copy of the transcript will not be accepted.* The official transcript will be accepted from an applicant. The college or university transcript must be official and include the university stamp or seal.

i. Bachelor's Degrees In Other Subjects: An applicant with a Bachelor's degree in a subject not listed above, such as Biological Sciences, Pharmacy, Mechanical Technology, or a Computer Science degree from an institution that was not accredited by the CSAC of the CSAB or by the CAC of ABET on or before the date the degree was awarded must establish to the satisfaction of the OED Director that he or she possesses

the necessary scientific and technical training under either Category B or Category C below.

ii. Graduate Degrees: An applicant who has a Master's or higher level degree in one of the subject areas listed above, but does not have a Bachelor's degree in such subject, must establish to the satisfaction of the OED Director that he or she possesses the necessary scientific and technical training. Possession of the necessary scientific and technical training may be satisfactorily established in the manner set forth under either Category B or Category C below.

B. CATEGORY B: *Bachelor's Degree in Another Subject*. An applicant with a Bachelor's degree in a subject other than one of those listed in Category A, must establish to the satisfaction of the OED Director that he or she possesses scientific and technical training equivalent to that received at an accredited U.S. college or university for a Bachelor's degree in one of the subjects listed in Category A. To establish such equivalence to the satisfaction of the OED Director, an applicant can satisfy one of the following four options, other training, or other education listed below. The applicant must submit the necessary documentation and objective evidence showing satisfaction of one of the options or other means of qualifying.

i. Option 1: 24 semester hours in physics. Only physics courses for physics majors will be accepted.

ii.Option 2: 32 semester hours in a combination consisting of the following:
8 semester hours of chemistry or 8 semester hours of physics, and 24 semester hours in biology, botany, microbiology, or molecular biology.

The 8 semester hours in chemistry or 8 semester hours of physics must be obtained in two sequential courses, each course including a lab. Only courses for science or engineering majors will be accepted.

iii. Option 3: 30 semester hours in chemistry. Only chemistry courses for chemistry majors will be accepted.

iv. Option 4: 40 semester hours in a combination consisting of the following:
8 semester hours of chemistry or 8 semester hours of physics, and
32 semester hours of chemistry, physics, biology, botany, microbiology, molecular biology, or engineering. (For Computer Science, see other acceptable course work.)

The 8 semester hours of chemistry or 8 semester hours of physics must be obtained in two sequential courses, each course including a lab. Only courses for science or engineering majors will be accepted. For Computer Science, see other **"Other Acceptable Course Work."**

All acceptable coursework for Options 2 and 4 must be for science or engineering majors.

v. Transcripts: Official transcripts are required to establish both the award of a Bachelor's degree and completion of each course relied on to establish scientific and technical training in Category B.

Please note that a diploma, a copy of a diploma, or an unofficial transcript is not acceptable evidence of a degree. Each applicant must provide an official transcript from a college or university as evidence of the degree received. An official transcript issued to an applicant will be accepted provided the transcript includes a university or college stamp or seal. A letter from the registrar specifying a degree or degrees is not sufficient.

Transcripts must show the same name as the application. An applicant who has changed his or her name must submit legal documentation of the name change, such as a marriage certificate or court order.

The transcript must be official. However, the applicant may send the transcript to OED as the transcript does not need to be sent to OED directly from the university or college.

An applicant instructing a college or university to send transcripts directly to OED at the USPTO should provide this information in a letter accompanying the application. An applicant is urged to furnish the university or college with a copy of a certificate of mailing (enclosed in this General Requirements Bulletin) and instruct the institution to include a completed and signed certificate of mailing in the envelope with the transcript.

vi. Course Descriptions: For each course relied upon in Options 1, 2, 3, or 4 above, an applicant must furnish an official course description which is concurrent with the year in which the course was taken to accompany the official transcript. The course descriptions must include:
Copies of the catalog cover page showing the year, the page(s) describing the requirements for the major, and
Complete pages describing the courses to be considered.

vii. Grades: *Only courses with a grade of C- or better will be accepted.* To speed the review process, please highlight the courses to be considered on the transcripts and course descriptions submitted.

viii. Quarter hour conversion: A semester hour is a unit of academic credit fulfilled by completing one hour of class instruction each week for one semester, a semester being a division constituting half of the regular academic year, lasting typically from 15 to 18 weeks. For credits earned at a university or college in which the term is less than the 15 to 18 week semester, the credits earned at that university or college will need to be adjusted to determine whether the applicant established to the satisfaction of the OED Director that he or she possesses the necessary scientific and technical training under Category B. To convert trimester credit hours or quarter hours into semester hours, multiply the quarter hours or trimester credit hours by 2/3.

ix. Translations: Certified English translations of foreign language documents, such as transcripts, course descriptions and any other supporting documentation must be furnished for the foreign language documents to be considered.

x. Other Acceptable Course Work: Under Option 4, up to four semester hours will be accepted for courses in design engineering or drafting. Also, under Option 4, computer science courses that stress theoretical foundations, analysis, and design, and include substantial laboratory work, including software development will be accepted. Such courses include the representation and transformation of information structures, the theoretical models for such representations and transformations, basic coverage of

algorithms, data structures, software design with a laboratory, programming languages with a laboratory, and computer organization and architecture. Other acceptable courses in computer science include artificial intelligence and robotics, networking, linear circuits, logic circuits, operating systems, and software methodology and engineering. However, the courses may not be substituted for the eight semester hours of chemistry or physics required under Option 4.

xi. Typical Non-Acceptable Course Work: The following typify courses that are not accepted as demonstrating the necessary scientific and technical training: anthropology; astronomy; audited courses; behavioral science courses such as psychology and sociology; continuing legal education courses; courses in public health; courses relating technology to politics or policy; courses offered by corporations to corporate employees; courses in management, business administration and operations research; courses on how to use computer software; courses directed to data management and management information systems; courses to develop manual, processing or fabrication skills (*e.g*. machine operation, wiring, soldering, *etc*.); courses taken on a pass/fail basis; correspondence courses; ecology; economics of technology; courses in the history of science, engineering and technology; field identification of plants and/or animals; home or personal independent study courses; high school level courses; mathematics courses; one day conferences; patent law courses; paleontology; political science courses; repair and maintenance courses; radio operator license courses; science courses for non-science majors; vocational training courses; and work study programs. Also not accepted are college research or seminar courses where the course content and requirements are not set forth in the course descriptions; and courses that do not provide scientific and technical training. Further, not accepted are courses that repeat, or which are substantially the same as, or are lesser-included courses for which credit has already been given.

xii. Other Training: Other factors will also be considered on a case-by-case basis with respect to scientific and technical training. OED will consider expertise in scientific and technical training which is equivalent to that of a Bachelor's degree in a subject listed in Category A. An applicant without a degree listed in Category A has the burden of establishing possession of sufficient training and expertise in science or engineering to be equivalent to that of a Bachelor's degree in a subject listed in Category A. Objective evidence demonstrating that training is equivalent to training received in courses accepted under Category A may establish such equivalency.

xiii. Other Education: Other education (*e.g*., foreign education, academic credit for work experience, military education, life experience, *etc*.) is acceptable to the extent objective evidence demonstrates the education is equivalent to that received at an accredited U. S college or university in one of the subjects listed in Category A. For example, such education may be met by one of the following showings:

a. The specific courses have been accepted for college-level credit in a Category A subject by an accredited U.S. college or university because they would be creditable if the student were to further his or her education at that institution.
b. The academic credit earned in a Category A subject earned through a special credit program, such as the College Level Examination Program (CLEP), and an accredited college or university has awarded credit.
c. If credit has been given for life experience, the college or university must identify the course work area(s) or courses in a Category A subject for which the credit is given. Life

experience credit for courses that are not identified in its course catalog as part of a college or university's curriculum is not acceptable, unless the college or university is giving credit for course work in a Category A subject that is a prerequisite for more advanced courses in Category A included in its curriculum.

d. Credit in a Category A subject for home study course work has been granted by a postsecondary institution accredited by the Distance Education and Training Council.

e. An accredited U.S. State college or university reports the degree from another institution as one whose transcript is given full value, and full value is given in a Category A subject applicable to the curricula at the U.S. State college or university.

f. The education completed outside the U.S. has been submitted to a private organization that specializes in interpretation of foreign educational credentials and such education has been deemed at least equivalent to that gained in conventional U.S. education programs. The Council for Higher Education Accreditation (CHEA) may be of some help in providing information on these organizations.

g. Credits from the United States Department of Agriculture (USDA) Graduate School, or other institutions determined to be equivalent for this purpose, are accepted by an accredited institution on the same basis as study in accredited colleges and universities.

xiv. Military Service: Although OED will not evaluate and award credit for military service, credit may be granted for technical courses taken pursuant to military training. The applicant has the burden of showing the semester hours credit each course relied upon would be accorded toward a degree at an accredited U.S. University or college. An applicant should consult the *Guide to Evaluation of Educational Experiences in the Armed Services,* which is available through the American Council on Education, Military Evaluation Program, One Dupont Circle, Washington, DC 20036-1193.

C. CATEGORY C: *Practical Engineering or Scientific Experience.* An applicant relying on practical engineering or scientific experience or who does not qualify under Category A or B above may establish the required technical training by demonstrating that he or she has taken and passed the Fundamentals of Engineering (FE) test. The FE test is a test of engineering fundamentals. The FE test is developed and administered by a State Board of Engineering Examiners in each State or comparable jurisdiction. Neither the USPTO nor any other U.S. Government agency administers the test. An applicant desiring to take the FE test should direct inquiries to the Secretaries of the appropriate State Boards. Official results of the FE test must be submitted to establish qualification under this category. An applicant attempting to qualify under Category C must submit an official transcript showing the award of a Bachelors degree.

D. All Business Transacted in Writing: All business with the USPTO should be transacted in writing. Personal attendance is unnecessary. An action of OED with regard to an application will be based exclusively on the written record in the Office. 37 CFR § 1.2.

E. ELIGIBILITY OF ALIENS: An applicant who is not a United States citizen and does not reside in the U.S. is not eligible for registration except as permitted by 37 CFR § 11.6(c). Presently, the Canadian Intellectual Property Office is the only patent office recognized as allowing substantially reciprocal privileges to those admitted to practice before the USPTO. The registration examination is not administered to aliens who do not reside in the United States.

An alien residing in the United States may apply to take the registration examination. To be admitted to the examination, an applicant must establish that recognition is consistent with the capacity of employment authorized by the United States Citizenship and Immigration Services (USCIS). The evidence must include a copy of both sides of any work or training authorization and copies of all documents submitted to and received from the USCIS regarding admission to the United States and a copy of any documentation submitted to the U.S. Department of Labor. A qualifying non-immigrant alien within the scope of 8 CFR § 274a.12(b) or (c) is not registered upon passing the examination. Such an applicant will be given limited recognition under 37 CFR § 11.9(b) if recognition is consistent with the capacity of employment or training authorized by the USCIS. Documentation establishing an applicant's qualification to receive limited recognition must be submitted with the applicant's application.

Qualifying documentation would show that the USCIS has authorized the applicant to be employed or trained in the capacity of representing patent applicants before the USPTO by preparing and prosecuting their patent applications. Any USCIS approval pending at that time will result in the applicant's application being denied admission to the examination.

F. Ineligible Applicants:

i. Convictions: "Conviction" or "convicted" is defined by 37 CFR § 11.1 as meaning any confession to a crime; a verdict or judgment finding a person guilty of a crime; any entered plea, including *nolo contendere* or Alford plea, to a crime; or receipt of deferred adjudication (whether judgment or sentence has been entered or not) for an accused or pled crime. An applicant convicted of a felony, or a crime involving moral turpitude or breach of trust, is not eligible for registration or to apply for registration during the time of any sentence (including confinement or commitment to imprisonment), deferred adjudication, and period of probation or parole as a result of the conviction and for a period of two years after the date of successful completion of said sentence, deferred adjudication, and probation or parole. See 37 CFR § 11.7(h)(1). Such an applicant must file with an Application for Registration the fees required by 37 CFR §§ 1.21(a)(1)(ii) and 1.21(a) (10) of this subchapter. The OED Director will determine whether the person has produced satisfactory proof of reform and rehabilitation, including at a minimum a sufficient period of exemplary conduct. An applicant subject to the provisions of 37 CFR § 11.7(h)(1) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7.

ii.Disciplined Professionals: An applicant who has been disbarred from practice of law or other profession, or who has resigned a professional license in lieu of a disciplinary proceeding, is ineligible to apply for registration for a period of five years from the date of disbarment or resignation. An applicant suspended on ethical grounds from the practice of law or other profession is ineligible to apply for registration until expiration of the period of suspension. An applicant who, in addition to being disbarred, suspended or resigned, also has been convicted of a felony or a crime involving moral turpitude or breach of trust is ineligible to apply for registration until the conditions of both 37 CFR §§ 11.7(h)(1) and 11.7 (h)(4) have been fully satisfied. See 37 CFR § 11.7(h)(4). An applicant subject to the provisions of 37 CFR § 11.7(h)(4) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7.

iii. Previously Denied For Lack Good of Moral Character and Reputation: An applicant refused registration for failure to demonstrate present good moral character and reputation in a USPTO Director's decision; or in the absence of a USPTO Director's decision, in a recommendation of the OED Director, is ineligible to reapply for registration for two years after the date of the decision, unless a shorter period is otherwise ordered by the USPTO Director. An applicant under investigation regarding the applicant's present moral character and reputation who elects to withdraw his or her application is ineligible to reapply for registration for two years after the date of withdrawal. See 37 CFR § 11.7(k). Such an applicant must pay the fees required by 37 CFR §§ 1.21(a)(1)(ii) and 1.21(a)(10) upon filing an application, and has the burden of showing his or her fitness to practice. The applicant also must pass the registration examination even if the applicant previously passed the examination. An applicant subject to the provisions of 37 CFR § 11.7(k) must submit the fee specified in 37 CFR § 1.21(a)(10) for each determination by the OED Director under 37 CFR § 11.7. For purposes of 37 CFR § 1.21(a)(10), an applicant who withdraws the application during an investigation regarding the applicant's present moral character and reputation will be considered to have obtained a determination by the OED Director under 37 CFR § 11.7.

IV. INSTRUCTIONS FOR APPLYING FOR ADMISSION TO THE EXAMINATION

A. GENERAL INFORMATION: The USPTO moved to a computer-based test delivery system. A candidate for registration to practice in patent cases before the USPTO must apply to OED by completing a registration application form and submitting all required documentation and government fees. A commercial test delivery provider, Prometric, will administer the computer-based examination. The location of Prometric test sites and Prometric test delivery policies are available at the Prometric web site, http://www.prometric.com. Prometric also provides a toll free number for USPTO registration examination applicants (800-479-6369).

An applicant applying for the examination should carefully review his or her application information and documentation before submitting the application. Applications must be complete for proper review by OED. It is *strongly recommended* that no incomplete application be filed.

Facsimile transmissions of applications will not be accepted. See 37 CFR §§ 1.4(e) and 1.6(d)(1). An applicant seeking admission to the examination should apply online at the Exam Applicant Portal https://oedci.uspto.gov/OEDCI/ or send the following documents to Mailstop OED, USPTO, P.O. Box 1450, Alexandria, Virginia 22313-1450:

A completed Application for Registration to Practice before the USPTO [Form PTO-158];

$110.00 non-refundable application fee as required by 37 CFR § 1.21(a)(1)(i)

-or-

$1,680.00 fee ($1,570.00 may be refundable only if you are not admitted) if required pursuant to 37 CFR § 1.21(a)(10);

$210.00 registration examination fee to the USPTO for test administration by a commercial entity. [37 CFR § 1.21(a)(1)(ii)(A)] (Application and registration examination fee(s) may be paid with one check or credit card authorization);

Official transcripts; and

Course descriptions (Category B only).

All other required documentation (for example, information upon which applicant relies to demonstrate qualifications to sit for the examination, evidence of permanent residence, or documents required in response to questions 14 through 21); and

If the applicant is an alien, then the applicant must provide a copy of all documents submitted to and received from the USCIS.

B. INSTRUCTIONS FOR COMPLETING APPLICATION FORM PTO 158: Apply online at the Exam Applicant Portal https://oedci.uspto.gov/OEDCI. Alternatively, you may complete the paper application form in permanent ink or computer; not pencil. An applicant must personally sign the paper application form with an original handwritten signature in permanent dark ink or the equivalent. 37 CFR § 1.4(e). Facsimiles of applications will not be accepted. See 37 CFR § 1.6(d)(1).

Read These Instructions: The entire application and General Requirements Bulletin, and all other applicable forms, should be read thoroughly before proceeding to complete the application form. After completing the application, check the application to ensure that all questions have been answered, and keep a copy of the completed application papers.

This is a continuing application. All information provided in the application must be reported in writing. 37 CFR § 1.2. All changes to the application, including changes of address, must be signed and dated, and cannot be accepted by telephone, facsimile transmission, or e-mail. 37 CFR § 1.4(e). 37 CFR § 11.7(c) specifies the time for reporting changes. OED should be notified of all changes within thirty days of occurrence. All updates should refer to the relevant question in the application to which the change applies, and must provide all details relative to the information sought by the question. An applicant must continue to update the application until registered to practice before the USPTO in patent cases, and should retain copies of all updates submitted to the USPTO.

i. Line-by-Line Instructions:

Line 1a. Applicant must provide his or her complete legal name, including first name, middle name (not initial) and last name. Correspondence will be conducted using applicant's complete name. Complete legal names must be provided to avoid confusion between people having the same first name, middle initial and last name. Failure to comply with this instruction will result in an application being incomplete. At the end of

line 1a, check the reasonable accommodations box only if a request for the same is attached along with supporting documentation.

Line 1b. Applicant provides his or her name exactly as it appears on valid, current government-issued photo identification, such as a driver's license, passport, or resident alien card. The same valid government identification must be presented for admission to the examination. Admission to the examination will be denied if the government-issued photo-identification is invalid for any reason at the time it is presented for admission, *e.g.*, expiration of a license or passport, or if there is any difference between the name on the photo-identification and the name given on line 1b.

Lines 1c-1j. Whether employed, unemployed or a student, applicant must enter the address where OED can communicate with applicant during the day between 8:30 a.m. and 5 p.m. Eastern time. If OED is to communicate with applicant at a business, the name and address of the business must be furnished.

Government Employees: If applicant is an officer and/or employee of the United States Government, including an employee of the USPTO, in lines 1b through 1g, enter the name, mailing address and business telephone of the department or agency where applicant is employed. Applicant may not use applicant's home address or another business address. If applicant wishes notices to be sent to applicant's home address, supply applicant's home address on a separate sheet of paper.

Line 2. Citizenship. Provide the country of applicant's citizenship.

Line 3. Date of Birth. Provide the date of applicant's birth.

Line 4. Place of Birth. Provide the city, state and country where applicant was born.

Line 5. Visa Classification. If applicant is a non-immigrant alien, state applicant's visa classification.

Line 6. Permanent Resident. For an applicant who is not a U.S. citizen, check "yes" if applicant is classified as a permanent resident. Check "no" if applicant has not been classified as a permanent resident.

Line 7. Alien Registration Number. If applicant has been classified as a permanent resident, provide applicant's alien registration number. Submit a copy of both sides of applicant's permanent resident card.

Line 8a. Application Fee. Check the appropriate box for the required application fee. An applicant should carefully review the provisions of 37 CFR §§ 11.7(h) and 11.7(k) to determine whether the fee set forth in 37 CFR § 1.21(a)(10) is required. Failure to submit the appropriate application fee may cause disapproval of an application. An applicant subject to the provisions of 37 CFR § 11.7(h)(1), § 11.7(h)(4) and/or 37 CFR § 11.7(k) must submit the fee set forth in 37 CFR § 1.21(a)(10) for <u>each</u> determination by the OED Director regarding good moral character and reputation of the applicant. An applicant who submits the fee set forth in 37 CFR § 1.21(a)(10) but is not admitted to the examination for failing to complete the application or for failing to demonstrate the requisite technical and scientific qualifications, will be refunded the fee less a $110.00 application fee. If a fee submitted pursuant to 37 CFR § 1.21(a)(10) has been refunded

in whole or in part, or if applicant has received an adverse determination by the OED Director regarding applicant's present good moral character and reputation, applicant will need to resubmit the fee under § 1.21(a)(10) for any subsequent application. Withdrawal of an application during the course of an investigation of good moral character and reputation is considered a determination by the OED Director regarding good moral character and reputation.

Line 8b. Registration Examination Fee. Please note that Prometric will charge applicant a separate test administration fee.

Line 9. Former patent examiner or other USPTO employee. Check the appropriate box on line 9 if applicant is a former patent examiner or other USPTO employee and seeks waiver of the examination under the provisions of 37 CFR § 11.7(d).

Line 10. Passed examination. Check the box on line 10 if applicant previously passed an examination, and in the space provided give the date applicant passed the examination.

Line 11. Check the box if applicant previously applied for admission to the registration examination, whether or not applicant was admitted to the examination, or sought evaluation of applicant's qualifications. If applicant previously applied, give the date of the application.

Line 12. Prior registration. Check the box and give applicant's registration number if applicant was ever registered to practice in patent cases before the USPTO as an attorney or agent.

Line 13. Bar membership. Check the box if applicant is a member in good standing of a court of the United States, or the highest court of a State or Territory of the United States, and list all said courts and corresponding bar membership number(s). Do not submit a certificate of good standing from the court with the application. Upon passing the examination, an attorney is required to provide an original certificate of good standing bearing the seal of the highest court of a state to be registered as a patent attorney.

Lines 14 through 21. Moral Character and Reputation. Answer each question following the instructions preceding line 14. Any doubt about how to answer a question should be resolved in favor of disclosure. Instructions are found on the application form and in the next paragraph for submitting an explanation and documents in response to questions 14 through 21 with the application. It is necessary to answer questions 14 through 21 with complete honesty and candor. Answers that are not candid or contain false statements of material facts may subject applicant to denial of registration, revocation and/or discipline. See, e.g., 37 CFR §§ 11.7(a)(2)(i) and 11.801, as well as 11.804(c) and (d). Therefore, applicant should be diligent and complete in providing applicant's

responses to these questions in the first instance. In addition, applicant has a continuing duty to update in writing responses on the application whenever there is an addition to or change in information previously furnished. Updates should be submitted no more than 30 days after the event occasioning the addition or change. Failure to update the application to disclose criminal charges or other events that change an answer to questions 14 through 21 also may subject applicant to discipline. Applicant will not be eligible to practice before the USPTO in patent matters unless the application is current.

In answering questions 14 through 21, even when answering no and providing an explanation, applicant must provide a detailed statement setting forth all relevant facts and dates regarding any such response eliciting disclosure. A complete application would include: (a) a full explanation in writing of the details regarding the incident, including where applicant was, what applicant was doing, etc.; (b) identification of the law enforcement authority that issued the citation, which jurisdiction issued the bench warrant, and which jurisdiction rectified the situation; (c) a statement of the charges and the disposition of the charges; (d) a statement of the sanctions that were imposed, along with a full explanation regarding applicant's compliance with the sanctions; (e) a complete copy of all documents and records in connection with the incident as well as documentation of applicant's request for such records; (f) a complete copy of all court records/file in connection with the incident and documentation of applicant's request for such records; (g) in the case of a federal debt, a complete copy of all records showing satisfaction of the debt, or a new payment arrangement coupled with satisfactory performance in compliance with the new arrangement over an extended period of time; and (h) a complete copy of records showing the sanctions, applicant's compliance with sanctions, and applicant's request for such records. If applicant is not able to obtain copies of all relevant documents, applicant must nonetheless provide documentation showing applicant's request for such documents as well as any letter received in response to such a request for documents or records. An application that does not include all the information will be treated as incomplete and applicant will not be admitted to the examination, but will be given a reasonable period of time to complete the application.

Line 22. Education. List all degrees, and attach to the application the official transcripts for each degree and official course descriptions (if necessary).

Line 23. Sign and date the application.

ii. Method of Payment to the USPTO: All government fees associated with each application for registration are payable at the time the application is submitted to the USPTO. All payments of money required for the USPTO fees must be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, or United States Postal Service money order. If sent in any other form (including personal checks, credit cards or electronic funds transfer), the Office may delay or cancel the credit of the payment until collection is made. Checks and money orders must be made payable to the Director of the USPTO. We do not accept cash.

Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information (complete account number and expiration date) as is necessary to process the charge. If the credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge.

37 CFR § 1.23 (a) and (b). A form and instructions for paying by credit card are contained at the following Web address: http://www.uspto.gov/web/forms/2038-fill.pdf. In the form, under "Other Fee," write "Application and Registration Examination fees."

There is a $50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution. 37 CFR § 1.21(m).

iii. Nonpayment of Fees: If payment of required fees is refused by a financial institution (including a check returned unpaid) or if a credit card is declined or charged back, the applicant submitting the fee will be refused admission to the examination. If the applicant has been admitted to the examination, notice will be sent withdrawing admission. Examples of nonpayment of fees include recording incomplete or incorrect credit card account number or expiration date, or reliance on a canceled credit card. The applicant will be notified of the nonpayment and the amount owed, and will be given a deadline to complete the application by paying the required fees. The applicant will be admitted to the examination only if the fees, together with any processing fee required by 37 CFR § 1.21(m), are paid in full within the time specified.

OED may learn only after the examination is administered that a financial institution has refused payment of fees or that a payment by credit card has been charged back. In these situations, or other situations in which the applicant has taken the examination, if the applicant has passed the examination, registration will be denied. The applicant will be notified of the nonpayment and the amount owed, and will be given a deadline by which the fees must be paid. If the applicant has passed the examination, the registration process will continue after the required fees and the processing fee required by 37 CFR § 1.21(m) have been paid in full.

If an applicant owes funds required by 37 CFR § 1.21(a)(i) and (ii) in regard to a previous application or examination, as well as the fee required by 37 CFR § 1.21(m), the applicant will not be admitted to any future examination unless all fees due have been paid in full. For example, assume that an applicant filed an application with a single check for the $110.00 application fee and the $210.00 examination fee; the check was returned unpaid, and the applicant was not admitted to the examination. The next application that is filed must include not only the application and examination fees required for that examination, but also an additional $160.00. The additional funds constitute the $110.00 fee required by 37 CFR §1.21(a)(i) for the previous application, and the $50.00 processing fee required by 37 CFR § 1.21(m) for the returned check. If the applicant had been admitted to the examination (commercial test administration) before the return of the check was discovered, even if he or she did not take the examination, the applicant must pay $370.00 in additional fees, *i.e.,* the $110.00 and $210.00 fees required by 37 CFR § 1.21(a)(i) and (ii), and the $50.00 processing fee required by 37 CFR § 1.21(m). The applicant will not be admitted to the examination unless all the fees are paid in full.

Checking and charge accounts should not be closed before the check or charge for payment of the fees has cleared the bank or credit card company.

V. FILING DEADLINE

There is no filing deadline for submitting an application for the commercially administered computerized examination. Applications are processed throughout the year. An incomplete application, if not timely completed, will result in denial of admission, and will require applicant to file another application and all fees. Fees filed with the incomplete application will not be deferred or applied to the next application. Accordingly, an applicant is strongly encouraged to file only a complete application.

A. COMPLETE APPLICATION: Applicant is strongly encouraged to gather all information and documentation before submitting an application. An applicant applying under Category B must submit all course descriptions and any other documentation with the application. An alien must submit all required information and documentation with the application.

B. INCOMPLETE APPLICATIONS: OED will notify applicant by letter if additional information or documentation is required to complete the application and the extent to which applicant meets or falls short of the required scientific and technical qualifications, *i.e.,* whether the application is sufficient to allow admission.

A 60-day time frame is provided for an applicant to complete the application. An applicant not timely providing the additional documents and information must submit a new application with the required fees.

A reply to a notice of incomplete or insufficient application must bear an applicant's original signature. See 37 CFR § 1.4(e). Therefore, replies by facsimile transmission are not acceptable. If the application continues to be incomplete or insufficient following submission of additional information or documents, the application will be disapproved. An applicant failing to respond within the 60-day period will also be disapproved.

Upon disapproval of an application, OED will provide by letter a detailed explanation for the disapproval.

The $210.00 registration examination fee will be refunded to a disapproved applicant in due course; the $110.00 application fee is not refundable. The fees from one application will not be deferred to another application.

VI. MAILING INSTRUCTIONS AND CONFIRMATION OF RECEIPT BY OED

The United States Postal Service mailing address is: Mail Stop OED, Director of the USPTO, PO Box 1450, Alexandria, VA 22313-1450. For hand delivery or courier services, applicant may obtain the street address for OED by calling 571-272-4097.

An applicant should make and keep a copy of every document submitted to the Office in connection with an application for registration. Any applicant desiring acknowledgment by or from OED of receipt of an application or other paper must include with the application a self-addressed, postage-paid postcard to be used for this purpose. The postcard should be addressed to the applicant and identify each type of paper filed*, e.g.* application, oath, transcripts*, etc*. OED will stamp the receipt date on the postcard and place it in the outgoing mail. However, the postcard is not verification that all of those items identified were present with the application.

Please do not call OED regarding the status of an application unless applicant has not received a response four weeks after submitting an application or papers. However, an applicant who has not received a response from OED after four weeks should contact OED as soon as possible thereafter. An applicant should not expect to receive any extension to the ninety-day window for scheduling the examination, particularly in a situation where the applicant delayed reporting the lack of receipt after four weeks from the submission of the application or papers.

VII. THE PROCESS FOLLOWING APPLICATION FOR ADMISSION TO THE EXAMINATION

A. GENERAL INFORMATION: After OED receives an application and the proper fees are processed, the application, information and documentation submitted by the applicant shall be reviewed for completeness and for sufficiency of scientific and technical training.

An applicant who is qualified and eligible for admission to the registration examination is sent an admission letter from OED with further instructions on the examination process.

An applicant who submitted an application that is determined to be “incomplete” is sent a letter indicating that the application is incomplete and that more information, documentation or the fees must be submitted before an evaluation can be conducted.

An application is incomplete if it is missing: information in the application form; fees; transcripts; or other required documentation. Once all missing information and documentation is noted, OED will evaluate the application to the extent possible for sufficiency of the information presented.

An applicant must submit both the application fee ($110.00) and the $210.00 registration examination fee to receive an evaluation of his or her qualifications.

B. USPTO ID NUMBER: Applications received by OED are issued a USPTO Identification Number (USPTO ID number). All notifications sent by OED will include the USPTO ID number. An applicant should use the USPTO ID number when corresponding with OED. The USPTO ID number is critical for identifying an applicant, and must be used on all correspondence the applicant submits to OED after the USPTO ID number has been provided to the applicant.

C. PETITION REVIEW BY THE OED DIRECTOR: An applicant dissatisfied with disapproval of an application may, upon payment of the fee required by 37 CFR §1.21(a)(5)(i), petition the OED Director for review of the decision. See 37 CFR § 11.2(c). The petition must bear an applicant's original signature. See 37 CFR §1.4(e). Facsimile transmissions therefore are not acceptable. The petition and any additional documentation and information must be submitted within 60 days of the date of the notice of disapproval for a further review of qualifications.

The OED Director will review an applicant's petition and send the applicant a written decision. The Applicant may be granted admission to the examination or the OED Director may affirm the OED staff member's decision. If the timely filed additional documentation or information is not satisfactory to conclude that the applicant possesses the required qualifications or eligibility, a final decision by the OED Director will be sent by letter to the applicant. The registration examination fee will be refunded to applicant in due course; the $110.00 application fee is not refundable. The fees from one application will not be deferred to another application. Any petition submitted after 60 days will be dismissed as untimely.

D. PETITION REVIEW BY THE USPTO Director: The final decision by the OED Director refusing admission to the registration examination may be reviewed upon petition to the USPTO Director pursuant to 37 CFR § 11.2(d). Review by the USPTO Director requires the filing of a petition to the USPTO Director, payment of the fee set forth in 37 CFR § 1.21 (a)(5)(ii), and must be filed within 30 days of the final decision of the OED Director. Any petition submitted after 30 days will be dismissed as untimely.

E. METHODS FOR TIMELY REPLYING TO NOTICE OF INCOMPLETENESS OR DISAPPROVAL; AND FOR TIMELY FILING A PETITION: Three methods for timely filing a reply or petition are presented below. An applicant should refer to the applicable rules and portions of the Manual of Patent Examining Procedure (MPEP) for more detailed information on filing at the USPTO.

i. First Class Mail or Hand-Delivery: A reply to a notice of incompleteness or disapproval, or a petition sent by first class mail or hand carried is stamped as received by the USPTO on the date of receipt. See 37 CFR § 1.6. Therefore, replies or petitions should be mailed sufficiently in advance to be received on or before the deadline. Hand carried mail to OED will be received only during public hours (8:30 AM to 5:00 PM). For hand-delivery or delivery by courier, an applicant may obtain the street address for OED by calling 571-272-4097.

ii. Certificate of Mailing Procedure under 37 CFR § 1.8: A reply to a notice of incompleteness or disapproval may be filed using the certificate of mailing procedure set forth in 37 CFR § 1.8. Because facsimile transmission of registration applications is not accepted, a certificate of transmission may not be used. See 37 CFR §§ 1.4(e) and 1.6(d)(1). The information or documentation will be considered as being timely using the certificate of mailing procedure if all requirements of 37 CFR § 1.8 are satisfied. A sample certificate of mailing is included in the back portion of this General Requirements Bulletin.

iii. Express Mail: 37 CFR § 1.10 provides that express mail may be used to file papers with the USPTO. The date of deposit, shown by the "date-in" on the Express Mail mailing label, is the effective date. Therefore, an applicant using Express Mail must have a "date-in" recorded by a U.S. Postal Service employee on the Express Mail mailing label that is on or before the filing deadline.

VIII. REASONABLE ACCOMMODATIONS

A. REASONABLE ACCOMMODATIONS REQUESTS: A Request for Reasonable Accommodation package [Form PTO 158RA] has been developed to facilitate an applicant's request for reasonable accommodation due to a mental and/or physical medical condition to take the examination for registration to practice before the USPTO (also known as the registration examination). The Request for Reasonable Accommodation package consists of an Applicant's Statement and a Licensed Health Care Professional's Statement. If an applicant requests a reasonable accommodation to take the registration examination, then the applicant must complete this package. Failure to provide the requested information may result in the USPTO having insufficient information to grant the requested accommodation.

An applicant requesting reasonable accommodations should check the box to the right of his or her name in the Application for Registration (PTO Form 158), indicating that the request is included with the application.

After an applicant has been admitted to the examination, a separate notification of the accommodations granted will be mailed.

i. An applicant admitted to the commercially-administered examination is provided additional time to schedule the examination with Prometric. Scheduling may take up to 30 days. An applicant granted admission to the commercially-administered examination, after receiving the noted reasonable accommodation from OED, must then call the Reasonable Accommodations Department in the Prometric Contact Center at 800-967-1139 to schedule administration of the examination. If reasonable accommodation is requested and the admission notice does not address the request, please contact OED.

B. INSTRUCTIONS FOR COMPLETING THE REASONABLE ACCOMMODATIONS PACKAGE [FORM PTO 158RA]: An applicant should provide detailed responses to the questions in the Applicant's Statement. An applicant may use additional paper, if necessary, to answer the questions.

The applicant must also provide a completed Licensed Health Care Professional's Statement and/or other acceptable medical evidence to support the claim.

The completed package should be submitted to the United States Patent and Trademark Office's Office of Enrollment and Discipline with the completed Application Form 158. A Request for Reasonable Accommodation submitted separately from the Application Form 158 should be addressed to Mail Stop OED, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. For additional guidance you may contact the Office of Enrollment and Discipline at 571-272-4097.

C. REAPPLICATION: An applicant who received a reasonable accommodation(s) for a prior registration examination must submit a new Applicant's Statement with each new Application for Registration (PTO Form 158). Depending on the type of impairment from which the applicant suffers, the applicant may want to submit a new Licensed Health

Care Professional's Statement as well. In deciding whether to submit a new Licensed Health Care Professional's Statement, the applicant should consider that the Agency's determination of both whether to grant an accommodation and what accommodation(s) is appropriate is based on an assessment of the *current* impact of the applicant's disability on the testing activity. For example, if the applicant suffers from an impairment that is temporary or changes over time, it may not be possible for the Agency to assess whether an accommodation should be granted if the Licensed Health Care Professional's Statement is not current. For chronic or long-term conditions, a new Licensed Health Care Professional's Statement may not be necessary.

IX. THE EXAMINATION

A. Source of Examination Questions: The examination is designed to test an applicant's knowledge of applicable patent laws, rules and procedures, and the ability to analyze factual situations and properly apply the patent laws, rules and procedures to render valuable service, advice and assistance to patent applicants in the preparation and prosecution of their patent applications. 35 U.S.C. § 2(b)(2)(D). The examination may also include questions dealing with standards of ethical and professional conduct applicable to registered patent attorneys and agents. Before taking this examination, an applicant should be familiar with the patent laws, USPTO rules of practice (Parts 1, 3, 11, 41 and 42 of Title 37 of the Code of Federal Regulations), procedures as related in the Manual of Patent Examination Procedure (MPEP), and other published USPTO policy and procedure. Questions on the examination are based on the MPEP and other published USPTO policy and procedure reference materials. The applicable laws, rules and procedures as set forth in the published USPTO policy and procedure reference material will control in the event of a conflict with the MPEP. An announcement will be made by OED to notify the public of the date on which updated reference materials will begin appearing on the examination. The announcement will be made in the Official Gazette and on the Internet at the following Web address: https://www.uspto.gov/learning-and-resources/patent-and-trademark-practitioners/becoming-patent-practitioner. The announcement on the Internet will also identify the MPEP version and any other published USPTO policy and procedure reference materials on which questions are based. These reference materials will be available during the examination.

B. MULTIPLE CHOICE QUESTIONS: The examination is 100 multiple-choice questions in two sessions. Fifty (50) questions will be asked in a three-hour morning session, and fifty (50) questions will be asked in a three-hour afternoon session. Each question has five choices. A total of six hours is permitted for completion of the examination.

C. PROHIBITED ITEMS AT THE EXAMINATION SITE: An applicant may not bring any documents, materials, machines, or electronic devices (including computers, telephones, recording devices, cameras, and typewriters) into the examination.

i. Commercially Administered Examination: The reference materials will be available on the computer delivering the examination questions. Prometric will provide a storage locker where items not allowed in the testing area can be secured.

D. EXAMINATION PREPARATION MATERIALS: The MPEP and other reference materials are available on the USPTO web site. The Office, including OED, will not counsel an applicant on the patent statutes and rules, policy, practice, and procedure.

E. EXAMINATION PREPARATION COURSES: The Office cannot identify or recommend courses to be pursued in preparing for the examination, or offer advice as to the special training required of persons who wish to be qualified to practice before the Office as a patent attorney or agent.

F. Examination Results: Official examination results will be released by OED. Results of the examination will be mailed to an applicant soon after the date the applicant took the examination. An applicant passing the examination will also receive instructions for completing the registration process at that time.

i. An applicant who takes the commercially administered examination will receive official results by mail soon after the date of the examination. A registration candidate taking the morning and afternoon sessions of the computer-delivered examination in a single day will receive unofficial results at the end of the examination on the computer on which they take the examination.

X. TEST ADMINISTRATION

A. GENERAL INFORMATION: An applicant granted admission to commercial administration of the examination will receive an admission letter with instructions to contact Prometric and coordinate a date and location for administration of the examination. It is critical that an applicant who receives an admission letter carefully review the personal information on the admission letter. The name on the admission letter should be the name given on line 1b of the application form, and will be the name provided to Prometric for allowing entrance to the examination site.

The Internet web site and telephone number for Prometric will be shown in the admission letter. The admission letter specifies a 90-day time period during which the applicant should coordinate an examination date with Prometric and take the examination. After this 90-day time period expires, the applicant will no longer be able to schedule to take the examination and must file a new application and all fees.

B. COMMERCIALLY ADMINISTERED EXAMINATION:

i. Prometric Fee Collection: Prometric collects a $173.00 examination administration fee from each candidate. Payment is due at the time the testing appointment is scheduled. Prometric collects no fees at the testing centers. All fees must be paid in advance; an applicant will not be permitted to sit for the examination until the $173.00 examination administration fee has been paid to Prometric.

ii. Scheduling the Examination Location: An applicant schedules an examination location directly with Prometric after OED has approved the applicant for admission to

the examination. An applicant will be required to pay a $173.00 examination administration fee to Prometric at the time he or she schedules the examination. Instructions for contacting Prometric will be provided in the admission letter or e-mail sent to the applicant.

An applicant is strongly urged to schedule his or her appointment for an examination test date promptly, because some test sites fill quickly. Availability of a particular site on a particular day is not guaranteed. Waiting until the last few weeks to schedule an appointment may necessitate that an applicant arrange to take the examination at a site and on a date differing from the applicant's preference.

iii. Three Scheduling Options: The three-scheduling options apply only to the commercially administered examination. An approved applicant will have three options for scheduling the examination with Prometric. An applicant may schedule over the Internet at Prometric.com, call a toll-free number at the Prometric customer service center (1-800-479-6369), or contact the local testing center.

iv. Prometric's Cancel/Late/No-Show/Reschedule Policies: An applicant should arrive 30 minutes before the scheduled appointment to allow time for check-in procedures. An applicant arriving late for an examination will not be admitted to or allowed to take the commercially administered examination. A late-arriving applicant, an applicant rescheduling his or her examination date and an applicant who fails to take a scheduled examination will be subject to Prometric rescheduling and fee policies. Prometric's policies are available on Prometric's web site. Prometric has no authority to schedule outside the testing window assigned by OED.

There are two methods by which an applicant may reschedule the examination. An applicant may reschedule through the Internet on the Prometric web site at http://www.prometric.com; or an applicant may reschedule by calling the Prometric toll-free number that has been reserved only for USPTO examination takers at 800-479-6369. It is possible that a testing center may have a technical problem or some other emergency (including weather). If a testing center is unable to provide the examination on the scheduled date, the examination will be rescheduled to the first available appointment of an applicant's choice, with no additional charge.

An applicant who does not appear for a scheduled examination will lose his or her eligibility at Prometric. If sufficient time remains in the testing period, the applicant may contact OED to reset his or her eligibility. An applicant who does not appear for the examination on the scheduled date and time forfeits ALL fees previously paid to the USPTO. If insufficient time remains in the testing period for applicant's eligibility file to be reset by OED, the applicant must reapply to again be admitted to an examination.

C. WHAT TO BRING TO THE TESTING CENTER:

For admission to the **commercially administered**, an applicant must bring a current, valid State or Federal government issued ID, such as a driver's license or passport, containing both applicant's photograph and signature. A single ID with current photograph and signature will suffice. Applicant's name in the government issued ID must be exactly as it appears on line 1b in the application.

An applicant will be denied admission to the examination if the name on the photo ID does not match exactly the name given on line 1b of the application, or if the government issued ID is not valid at the time applicant seeks admission to the testing center. An admission letter will not be accepted for admission to the testing center. No name changes will be permitted at testing centers.

DO NOT BRING reference materials, other study materials, notes or scratch paper into the testing area or the testing center. Reference materials will be available on the computer delivering the examination.

D. TESTING CENTER PROTOCOLS:

An applicant will be required to sign a signature log. An electronic photograph will be taken of each applicant. The date and time that an applicant enters and exits the testing room will be recorded and the signature in the log will be verified against the photo ID.

Prometric has extensive test provider experience and has developed a test engine that is readily operated by even inexperienced computer users. A fifteen-minute tutorial is provided prior to start of the examination to familiarize an applicant with operation of the test engine. A fifteen-minute survey follows the end of the examination.

Prometric provides an applicant with scratch paper and a pencil. An applicant may not bring his or her own scratch paper or notes. Other than the scratch paper and pencil provided at the testing center, **no** materials are permitted in the testing room. All scratch paper and the pencil will be collected at the end of the testing session, and the scratch paper will be destroyed. An applicant is not allowed to remove any portion of the scratch paper from the testing center.

There will be an optional timed and scheduled one-hour lunch break. No other timed or scheduled breaks are built into the examination. An applicant may take unscheduled breaks during which the test timing will continue.

Prometric Test Center Administrators provide continual site proctoring, and the testing area is under continuous video monitoring. An applicant found cheating will be escorted from the testing area. Cheating may include, but is not limited to, copying or photographing questions or answers, recording answers elsewhere than on the computer, bringing notes into the testing area, leaving the testing area and checking notes located elsewhere before returning to the testing area.

E. APPLICANT NEW CONTACT INFORMATION: An applicant changing his or her address and/or telephone number must separately notify OED and Prometric of the change.

F. FINAL SCHEDULING NOTIFICATION:

An applicant granted admission to the commercially delivered examination will receive correspondence from Prometric confirming the date applicant is scheduled to take the examination. An applicant should keep Prometric's confirmation for future reference.

XI. REAPPLYING FOR THE EXAMINATION

A. UNSUCCESSFUL APPLICANTS VIEWING THE EXAMINATION QUESTIONS: Within 60 days of the mailing date of the notice of results, the applicant may review, but not copy, the questions and answers he or she answered incorrectly. The questions and answers may be reviewed by computer at a Prometric test site. No notes may be taken, and copies of the questions or answers may not be obtained.

Only one review session may be scheduled for each examination taken.

See 37 CFR § 11.7(e). An unsuccessful applicant may schedule a date and time for inspection by calling Prometric at 800-479-6369 during normal business hours or via the internet 24 hours per day, 7 days a week at http://www.prometric.com.

Alternatively, a review session may be scheduled at the Office of Enrollment and Discipline, 600 Dulany Street, Madison West, 8th Floor, Alexandria, VA 22313. Please contact the Office of Enrollment and Discipline at 571-272-4097 to schedule a review session.

B. FAILURE TO PASS THE EXAMINATION: An unsuccessful applicant, after receiving written notice of failing the examination, may reapply to again take the examination. Such an applicant may reapply for admission to the examination upon receiving notice of failure from OED, but must wait 30 days after the date of the last examination before retaking the examination. See 37 CFR § 11.7(b)(1)(ii). Eligibility for retesting of an applicant who does not pass the registration examination is controlled by OED. An applicant should not make retesting inquiries to Prometric.

An applicant reapplying after a notice of failure must submit the following:

A completed Application for Registration to Practice before the USPTO [Form PTO-158];

$110.00 non-refundable application fee as required by 37 CFR § 1.21(a)(1)(i). An applicant subject to the provisions of 37 CFR § 11.7(h)(1), § 11.7(h)(4), and/or 37 CFR § 11.7(k) who did not pass the examination must submit the $110.00 nonrefundable application fee required by 37 CFR § 1.21(a)(1)(i) but need not resubmit the $1,680.00 fee set forth in 37 CFR § 21(a)(10) unless $1,570.00 of the previously submitted $1,680.00 fee has been refunded. An applicant who reapplies after receiving a negative determination from the OED Director concerning good moral character and reputation must submit the $1,680.00 fee set forth in 37 CFR § 21(a)(10). To be clear, the application fee submission for an individual who did not pass the examination should not be confused with the individual who has been refused registration for lack of good moral character and reputation. In the case of an applicant refused registration for lack of good moral character and reputation, that applicant must resubmit the fee in 37 CFR § 1.21(a)(10) for each determination by the OED Director regarding good moral character and reputation of the applicant;

$210.00 registration examination fee payable to the USPTO for test administration by a commercial entity. [37 CFR § 1.21(a)(1)(ii)(A)].

All other documentation necessary to update the application, such as, but not limited to, responses to questions 14-21.

XII. REFUNDS OF USPTO FEES

The $110.00 application fee is non-refundable. The $210.00 registration examination fee is non-refundable after OED receives an application, except as noted below.

Refund of any fee is governed by the provisions of 35 U.S.C. § 42(d). Fees that are not paid by mistake or in excess are non-refundable. If an applicant is accepted to sit for the examination, the registration examination fee is non-refundable for any reason, even if the applicant does not sit for the examination.

The registration examination fee will be refunded only if OED denies an applicant admission to the examination for filing an incomplete application or failing to meet the qualifications for admission. An applicant who has submitted the $1,680.00 fee under 37 CFR § 1.21(a)(10) will be refunded that fee less a $110.00 application fee if he/she is denied admission to the examination.

An applicant admitted to and thereafter withdrawing from, failing to appear for or arriving too late to be admitted to an examination must file another application, and again pay the $110.00 application fee and the applicable registration examination fee. Likewise, an applicant denied admission to a previous examination must thereafter file another

application, and again pay the $110.00 application and appropriate registration examination fee.

XIII. WAIVERS OF REGULATIONS REGARDING THE EXAMINATION

A petition may be filed under 37 CFR § 11.3 requesting in writing that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived in an extraordinary situation, when justice requires.

XIV. SUCCESSFUL COMPLETION OF THE EXAMINATION

Upon successful completion or waiver of the examination, the OED Director will publish a solicitation for information concerning the applicant's moral character and reputation. See 37 CFR § 11.8(a). If the OED Director receives information from any source that reflects adversely on the good moral character or reputation of an individual seeking registration or recognition, the OED Director shall conduct an investigation into the good moral character and reputation of that individual. The investigation will be conducted after the individual has passed the registration examination, or after the registration examination has been waived for the individual, as applicable. 37 CFR § 11.7(g)(2)(i). OED will send the applicant a letter explaining further steps to be taken to complete the registration process. An applicant passing the registration examination who does not complete the registration or limited recognition process within two years from the date of notice of passing the registration examination will be required to retake and pass the examination. See 37 CFR §§ 11.8(b) and 11.8(c).

An applicant who desires to be registered as an attorney must submit a certificate of good standing from the bar of the highest court of the State in which he or she is admitted to practice. A certificate or letter from the state bar is not acceptable as evidence of "good standing." The certificate of good standing must be less than six months old and should be filed with the Data Sheet (FORM PTO 107A), following receipt of notice of passing the registration examination. Do not file the certificate of good standing with the application.

An attorney for whom no certificate of good standing is received will be registered as a patent agent.

XV. FINDING OED INFORMATION ON THE INTERNET

Information about the registration examination and required forms are available at the OED home page https://www.uspto.gov/about-us/organizational-offices/office-general-counsel/office-enrollment-and-discipline-oed

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop OED
Director of the United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

on

Date: _____

Signature

_____

Typed or printed name of person signing Certificate

I further certify that I have a reasonable basis to expect that the application and accompanying materials will be mailed on or before the date on the certificate, shown above.

Please identify the correspondence below:

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This certificate must be in the envelope with the material and/or documents mailed.

OED PRIVACY ACT ADVISORY STATEMENT

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the request for information solicited on attached forms PTO-158 and PTO-275. Accordingly, pursuant to the requirements of the Act, please be advised that (i) the authority for the collection of this data is 35 U.S.C. §§ 1.6 and 31, (ii) furnishing of the information solicited is voluntary, and (iii) the principal purpose for which the data will be used is to maintain current information relating to your eligibility and fitness for registration to practice before the United States Patent and Trademark Office in patent cases. If you do not furnish the requested information, you will not be admitted to the registration examination or registered to practice before the United States Patent and Trademark Office.

The information provided by you in this form will be subject to the following routine uses:

1. Information may be published by the United States Patent and Trademark Office in the *Official Gazette* to solicit information tending to affect your eligibility on moral, ethical, or other grounds for registration pursuant to 37 CFR § 11.7.
2. Disclosure may be made to any Government agency, professional organization, or individual if necessary to obtain information relevant to an investigation concerning the suitability of an applicant for registration to practice before the Patent and Trademark Office.
3. Disclosure may be made to a Federal, state, local, foreign, tribal, or other public authority, of the fact that this system of records contains information relevant to the retention of an employee, retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency, or to another Federal agency for criminal, administrative, personnel, or regulatory action.
4. To a court or adjudicative body in a proceeding when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her capacity, or (c) any employee of the agency in his or her official capacity where the agency has agreed to represent the employee, or (d) the United States government is a party to litigation or has an interest in such litigation and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.
5. Disclosure may be made to a member of Congress or to a congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
6. Information may be disclosed to the Office of Management and Budget (OMB) in connection with a review of private relief legislation (as set forth in OMB Circular No. A-19) at any stage of the legislative coordination and clearance process described in the Circular.
7. The information may be disclosed to the agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who have need to have access to the records in order to perform the activity. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).
8. The information may be disclosed to the office of Personnel Management (OPM) for personnel research purposes as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related manpower studies.
9. Records from this system of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. §§ 2904 and 2906.
10. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, or criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order, issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local or tribal, or other public authority responsible for enforcing, investigating, or prosecuting violations, or charged with enforcing or implementing the stature or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

U.S. PATENT AND TRADEMARK OFFICE OMB No. 0651-0012 | Approved through 04/30/2021 | **FORM PTO-158**

APPLICATION FOR REGISTRATION TO PRACTICE BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

1A. LEGAL NAME ◯ Mr. ◯ Ms.	**Last Name**	**First Name**	**Middle Name**	***FOR USPTO USE ONLY***
1B. NAME SHOWN ON VALID GOVERNMENT ID ☐ same as above				
1C. ADDRESS (street, bldg., suite, etc.) This address will be used for official correspondence.	Employer, corporation, law firm, U.S. Government agency. Indicate if student or unemployed.			
				☐ **REASONABLE ACCOMMODATION REQUEST ATTACHED**
1D. CITY		**1E. STATE**	**1F. COUNTRY**	**1G. ZIP CODE**
1H. PHONE NUMBER (daytime)		**1I. E-MAIL** (primary)		**1J. E-MAIL** (secondary)
2. CITIZENSHIP (country)		**3. DATE OF BIRTH** (month, day, year)		**4. PLACE OF BIRTH** (City, State, Country)
FOR ALIENS ONLY ➔	**5. VISA CLASSIFICATION**	**6. PERMANENT RESIDENT OF THE UNITED STATES** ◯ YES ◯ NO Attach copy of both sides of permanent residence documentation		**7. ALIEN REGISTRATION NUMBER**

You are required to update the foregoing information promptly upon any change. Check all the following that apply. Applicants should carefully review the General Requirements Bulletin for detailed instructions on completing this application.

8A. APPLICATION FEE: (PLEASE REFER TO THE GENERAL REQUIREMENTS BULLETIN AND 37 CFR § 11.7)

◯ Enclosed is the non-refundable $110.00 application fee set forth in 37 CFR § 1.21(a)(1)(i).

OR

◯ Enclosed is the $1,680.00 fee set forth in 37 CFR § 1.21(a)(10).

8B. REGISTRATION EXAMINATION FEE:

◯ I will utilize a commercial test administration service. Enclosed is the Government registration examination fee of $210.00 for test administration by a commercial entity. 37 CFR § 1.21(a)(1)(ii)(A). See the General Requirements Bulletin for information about fees that may be charged by the commercial test administration service.

9. WAIVER OF EXAMINATION: I AM A FORMER USPTO EMPLOYEE AND SATISFY THE REQUIREMENTS OF:

◯ 37 CFR § 11.7(d)(1). ◯ 37 CFR § 11.7(d)(2). ◯ 37 CFR § 11.7(d)(3). Enclosed is the application fee under 8A, above.

10. PREVIOUSLY PASSED EXAMINATION:

☐ I passed an examination on _____ / _____ / _____. Enclosed is the required fee of $210.00 (37 CFR § 1.21(a)(2)) and a completed data sheet.

11. PREVIOUSLY APPLIED FOR ADMISSION:

☐ I previously applied for admission to the registration examination or requested the Office of Enrollment and Discipline to evaluate my scientific and technical qualifications. Enclosed is my application fee under 8A, along with the registration exam fee under 8B.

Date of Previous Application: _____ / _____ / _____ Name on Application, if different _____

12. PREVIOUSLY REGISTERED TO PRACTICE:

☐ I was previously registered to practice in patent cases before the United States Patent and Trademark Office as an attorney or agent.

Registration No. _____

13. BAR MEMBERSHIP:

☐ I am a member in good standing of the bar of the highest court of a State or Territory of the United States. A list of all said courts and corresponding bar membership number(s) follows:

_____

BACKGROUND INFORMATION: Candor and truthfulness are significant elements of fitness relevant to practice before the United States Patent and Trademark Office. You should, therefore, provide the Office of Enrollment and Discipline with all available information, however unfavorable, even if its relevance is in doubt, with regard to the questions asked below. For each question answered "YES," provide a detailed statement setting forth all relevant facts and dates along with verified copies of relevant documents. Your responses must be updated, as necessary, prior to your registration. Any documents, evidence or proofs previously filed in a prior application need not be resubmitted unless your response to a question must be changed. Failure to disclose the requested information may result in denial of registration or in disciplinary proceedings, should you become registered. *See* 37 CFR §§ 11.7(a)(2)(ii), 11.19, and 11.801.

14. ◯ YES ◯ NO Have you ever been disciplined, reprimanded, suspended, expelled, or agreed to surrender a license or have any charges ever been proffered against you in connection with your practice before any Federal or State court, municipal bureau, commission, office, or agency of any kind or character?

15. ◯ YES ◯ NO Have you ever been arrested, charged, or held by Federal, State, or other law enforcement authorities for any violation of any Federal or State law, or any country or municipal law, regulation, or ordinance? (Do not include any misdemeanor before your 16th birthday or traffic violations for which the fine was $100.00 or less.)

16. ◯ YES ◯ NO Have you ever been disciplined, reprimanded, suspended, expelled, or asked to resign or withdraw from any educational institution, or have you resigned or withdrawn from any such institution in time to avoid a request to resign or in time to avoid discipline, reprimand, suspension, or expulsion for conduct involving dishonesty, fraud, misrepresentation, or deceit?

17. ◯ YES ◯ NO Have you ever been disciplined, reprimanded, or suspended in any job for conduct involving dishonesty, fraud, misrepresentation, deceit, or for any violation of Federal or State laws or regulations?

18. ◯ YES ◯ NO Have you ever been fired or discharged from any job, or have you been asked to resign or quit for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?

19. ◯ YES ◯ NO Have you ever resigned or quit a job when you were under investigation or inquiry for conduct which could have been considered as involving dishonesty, fraud, misrepresentation, deceit, or violation of Federal or State laws or regulations, or after receiving notice or been advised of possible investigation, inquiry, or disciplinary action for such conduct?

20. ◯ YES ◯ NO Have you ever been discharged from military service under conditions "other than honorable," or by reason of the sentence of a Court Martial or being dropped from the rolls?

21. ◯ YES ◯ NO Are you delinquent on any State or Federal debt? (Include delinquencies arising from Federal or State taxes, loans, overpayment of benefits, and other debts to the U.S. Government and defaults on Federally guaranteed or insured loans such as student and home mortgage loans.)

22. **EDUCATION:** List **all degrees** conferred. Attach any required documentation as discussed in the General Requirements Bulletin. If you applied previously for an exam, please see the General Requirements Bulletin section titled "REAPPLYING TO TAKE THE EXAMINATION" for what you must submit.

Degree Received as indicated on Transcript	College	Date Received	Major Subject as indicated on Transcript

Upon the basis of the foregoing information and any attached documents, I hereby apply for registration to practice in patent matters before the United States Patent and Trademark Office. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001.

23. SIGNATURE OF APPLICANT	DATE

MAIL COMPLETED APPLICATION TO:

MAIL STOP OED, UNITED STATES PATENT AND TRADEMARK OFFICE, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This collection of information is required by 37 CFR §§ 11.5 through 11.11. This information is used by the public to register to practice before the United States Patent and Trademark Office (USPTO) and by the USPTO to determine the eligibility of the applicant to apply to register to practice before the USPTO. The information on this form will be treated confidentially to the extent allowed under the Privacy Act and the Freedom of Information Act (FOIA). Response to this information collection is voluntary; however, if you do not provide the requested information, the USPTO may not admit you to the registration examination or register you to practice before the USPTO. This form is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the information on the application to the USPTO. Any comments on the amount of time required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, United States Patent and Trademark Office. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PRIVACY ACT STATEMENT

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

U.S. PATENT AND TRADEMARK OFFICE OMB No. 0651-0012 | Approved through 04/30/2021 | **FORM PTO-275**

UNDERTAKING UNDER 37 CFR § 11.10(b)

1. LEGAL NAME ◯Mr. ◯Ms.	**Last Name**	**First Name**	**Middle Name**	***FOR USPTO USE ONLY***
2. POSITION HELD AT USPTO				
3. DATE EMPLOYED BY USPTO				
4. DATE OF SEPARATION OR RESIGNATION FROM USPTO				

5. ASSIGNED TO THE FOLLOWING BUSINESS UNIT(s). List relevant Offices or Technology Centers.

OFFICE or TECHNOLOGY CENTER	FROM	TO	DIRECTOR and SPE (OFFICE or TECHNOLOGY CENTER)

I hereby agree to not knowingly act as an agent or attorney for, or otherwise represent, or assist in any manner the representation of, any other person before the Office, in connection with any particular patent or patent application, in which I participated personally and substantially as an employee of the Office; and

I hereby agree to not knowingly act within two years after terminating employment by the Office as an agent or attorney for, or otherwise represent, or assist in any manner the representation of any other person before the Office, in connection with any particular patent or patent application, if such patent or patent application was pending under my official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001.

7. Signature of Former Employee	**Date**

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This collection of information is required by 37 CFR §§ 11.5 through 11.11. This information is used by the public to register to practice before the United States Patent and Trademark Office (USPTO) and by the USPTO to determine the eligibility of the applicant to apply to register to practice before the USPTO. The information on this form will be treated confidentially to the extent allowed under the Privacy Act and the Freedom of Information Act (FOIA). Response to this information collection is voluntary; however, if you do not provide the requested information, the USPTO may not admit you to the registration examination or register you to practice before the USPTO. This form is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the information on the application to the USPTO. Any comments on the amount of time required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, United States Patent and Trademark Office. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PRIVACY ACT STATEMENT

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

U.S. PATENT AND TRADEMARK OFFICE OMB No. 0651-0012 | Approved through 04/30/2021 | **FORM PTO-158RA**

REQUEST FOR REASONABLE ACCOMMODATION
APPLICANT'S STATEMENT

1. NAME OF APPLICANT ◯Mr. ◯Ms.	Last Name	First Name	Middle Name

1a. APPLICANT'S ADDRESS (street, bldg., suite, etc.)

1b. E-MAIL ADDRESS	**1c.** PHONE NUMBER
2. LOCATION OF EXAM	**3.** DATE OF EXAM

4. Describe applicant's medical condition(s) (*i.e.*, illness, disease, or injury) and how it (they) interfere(s) with applicant's ability to complete the registration examination in the standard time allotted and/or in the standard conditions

_____

_____

_____

_____

5. Please provide the date of the most recent evaluation of applicant's disability

_____

6. Did applicant apply for and receive nonstandard testing accommodation for classroom examinations and/or admissions tests? ◯ YES ◯ NO

IF YES, (1) check all that apply (2) describe the specific accommodations, (3) specify amount of additional time received, and (4) if applicable, please note if accommodations were denied.

	ACCOMMODATIONS	**ADDITIONAL TIME GRANTED**	**DENIED**
☐ Grade School			
☐ High School			
☐ College			
☐ Law School			
☐ SAT			
☐ LSAT			
☐ MPRE			
☐ GMAT			
☐ Bar Exam			
☐ Other	please specify:		
☐ None			

6a. Please provide supporting documentation for the accommodations received above.

6b. If applicant was denied for any of the above, please explain and attach relevant documentation.

_____

_____

_____

_____

7. Has applicant previously applied to take a registration examination(s)? ◯YES ◯NO

7a. Did applicant request any accommodations? ◯ YES ◯NO

IF YES, complete the following and provide supporting documentation:

Date of Exam	Accommodation Received

8. Describe specifically what accommodation(s) applicant thinks could be made so that the test results accurately reflect applicant's knowledge of patent laws, rules and procedures rather than reflecting any impairment to applicant's abilities from a disability. Note that any accommodation applicant requests must be supported by the Licensed Health Care Professional's statement(s) applicant submits (e.g., if applicant requests twice the amount of time to take the exam, then one of the Licensed Health Care Professional statements applicant submits must indicate that applicant needs twice the amount of time to take the exam and explain why applicant needs twice the amount of time).

_____

_____

_____

_____

_____

_____

This collection of information is required by 35 U.S.C. 2(b)(2)(D) and 37 CFR 11.7. This information is used by the Office to process requests for reasonable accommodations due to medical conditions to take the examination for registration to practice before the United States Patent and Trademark Office (USPTO). The Office will keep the information on this form confidential to the extent allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Response to this information collection is voluntary; however, if the applicant does not provide the requested information, the USPTO may not have sufficient information to grant applicant's request for reasonable accommodation. This form, together with the Application for Registration (PTO-158) with which it must be submitted, is estimated to take 90 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Any comments on the amount of time the applicant requires to complete this information collection and/or suggestions for reducing the burden created by this collection should be sent to the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND THE FORM AND FEES TO: Mail Stop OED, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

PRIVACY ACT STATEMENT AND CERTIFICATION AND CONSENT BY THE APPLICANT

The USPTO will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair and efficient manner.

The Privacy Act of 1974 (P.L. 93-579), 5 U.S.C. § 552a(e)(3), requires that applicant be given certain information in connection with the request for personal information solicited on the Request for Reasonable Accommodation forms. Accordingly, please be advised that (i) the authority for the collection of this information is 35 U.S.C. § 2(b)(2)(D) and Section 504 of the Rehabilitation Act, (ii) furnishing of the information solicited is voluntary, and (iii) the principal purpose for which the information will be used is to process requests for reasonable accommodation for the registration examination to practice before the United States Patent and Trademark Office (USPTO) in patent cases. If applicant does not furnish the requested information, the USPTO may not have the information necessary to grant applicant's request for reasonable accommodation. Routine uses of the information applicant provides on these forms may include disclosure to USPTO staff or other authorized personnel who require access to this information in the performance of their duties in processing these requests and administering an accommodation to applicant.

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and reasonable accommodation needs that USPTO obtains in connection with a request for reasonable accommodation, must be kept in files separate from the individual's application file. The information provided by applicant will be used primarily to facilitate the processing of applicant's request for accommodation. Only parties who need to know this information as necessary and appropriate to make a determination about applicant's request for reasonable accommodation will have access to this information.

All records obtained or created during the processing of a request for reasonable accommodation, including medical records, will be kept in the applicant's medical file and will be maintained in accordance with the Privacy Act and the requirements of 29 CFR Part 1611.

I hereby certify that all statements made above are true to the best of my knowledge and belief. I hereby give permission for the release of information about my medical condition(s) to authorized agency officials.

_____ _____

Applicant's signature (do not print) Date

APPLICANT'S CONSENT TO RELEASE MEDICAL INFORMATION

I authorize the release to the United States Patent and Trademark Office of any and all information or records connected with my physical/mental impairment(s) (illness, disease, or injury) which are the basis of my Request for Reasonable Accommodation.

_____ _____

Applicant's signature (do not print) Date

_____

Applicant's name (type or print)

REQUEST FOR REASONABLE ACCOMMODATION

LICENSED HEALTH CARE PROFESSIONAL'S STATEMENT

Applicant seeks to take the examination for registration to practice in patent cases before the United States Patent and Trademark Office (USPTO). The registration examination consists of 100 multiple choice questions. The exam is split into a morning session of 3 hours and an afternoon session of 3 hours. Fifty questions are asked during each of those sessions. Applicant is asking the USPTO to alter how the exam is administered because he/she has a disability(ies) that prevents him/her from completing the exam in the allotted time and/or under the standard conditions. Applicant is required to submit medical documentation to demonstrate that he/she has a physical or mental impairment that substantially limits one or more of his/her major life activities and to support his/her request for a reasonable accommodation. The Office of Enrollment and Discipline (OED) at the USPTO has developed this Licensed Health Care Professional's Statement to assist medical professionals in providing the type of information that OED needs to determine whether a reasonable accommodation is warranted.

Applicant is responsible for any costs incurred in connection with providing this documentation.

A new medical examination is not necessary if the Licensed Health Care Professional can provide current information from his/her records.

Enclose this completed Licensed Health Care Professional's Statement and any attachments in a sealed envelope marked "CONFIDENTIAL MEDICAL RECORDS." Send it to the address shown below. Alternatively, it may be given directly to the applicant for delivery to OED at the USPTO.

Address to which Licensed Health Care Professional can mail statement:

U. S. Patent and Trademark Office
Mail Stop OED
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

FAX: (571) 273-4097
E-mail: OED Reasonable Accommodations@USPTO.gov

Please complete this statement within 2 weeks. Please note that illegible or incomplete statements will not be accepted. Furthermore, additional sheets and reports may be attached, if necessary, to fully respond to any questions. Incomplete answers may result in the rejection of this statement and ultimately the applicant's request for a reasonable accommodation.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

1a. PATIENT'S NAME Last Name First Name Middle Name

◯ Mr. ◯ Ms.

1b. PATIENT'S ADDRESS (street, bldg., suite, etc.)

2. LICENSED HEALTH CARE PROFESSIONAL COMPLETING THIS FORM:

2a. NAME	**2b.** PROFESSION:
2c. OFFICE ADDRESS:	
2d. TELEPHONE NUMBER:	**2e.** E-MAIL ADDRESS:

3. Please provide a full explanation of your qualifications to submit this statement (include relevant education, certifications, licenses and professional history):

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4. _____ was my patient from _____ to _____ and (◯DID ◯DID NOT) become my patient, in part, for the purpose of procuring a report to be submitted to obtain nonstandard testing accommodations for taking of an examination.

5. My specific diagnosis (ICD 9 code and/or DSM IV code) for the patient's condition(s) or illness creating a disability is as follows:

_____

_____

_____

6. A full explanation of the basis for my diagnosis is as follows:

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7. The specific and detailed nature and extent of the disability:

7a. Is the applicant substantially limited in a major life activity? ◯ YES ◯ NO

7b. IF YES, state what activities are affected:

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8. The applicant's illness or condition is: ◯ permanent ◯ temporary (check one)

8a. If temporary, the disability will terminate on _____

9. The date of the onset of the patient's illness or condition was _____

10. I last examined the patient on _____

11. Test(s) administered and dates thereof:

_____

_____

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12. Copies of the test results and reports concerning the tests are attached hereto: ◯ YES ◯ NO

13. If such copies are not attached, the reason for their absence is:

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14. In the case of ADHD:

14a. Did the applicant have a previously documented history of ADHD at the time of your evaluation? ◯ YES ◯ NO.

IF YES, briefly describe below. If no, what objective evidence has been presented for your review that supports a likely history of undiagnosed ADHD (e.g., school records and previous psychological tests)?

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14b. Does the applicant exhibit clinically significant impairment across multiple life domains (e.g., academic, work, social, etc.)?

◯ YES ◯ NO.

IF YES, briefly describe:

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_____

15. My treatment of the applicant consists of:

_____

_____

_____

_____

_____

16. As a result of my examination, tests and treatment of the patient, I have made the following findings and conclusions:

a. Presenting complaints:

_____

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b. Objective findings:

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17. In your medical opinion, what accommodations would you recommend that your patient receive to be able to have the results of the registration examination accurately reflect his/her knowledge of patent laws, rules and procedures, rather than any impairment that results from his/her disability? Examples of accommodations USPTO has given in the past are an exam with larger font, additional time, a separate testing room from the main testing room, and additional lighting.

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18. Provide a full description of the basis for the recommended nonstandard testing accommodations:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001.

Executed on _____ / _____ / _____ at _____ By _____

Date City and State Signature

_____

Type or Print Name

_____

State License Number