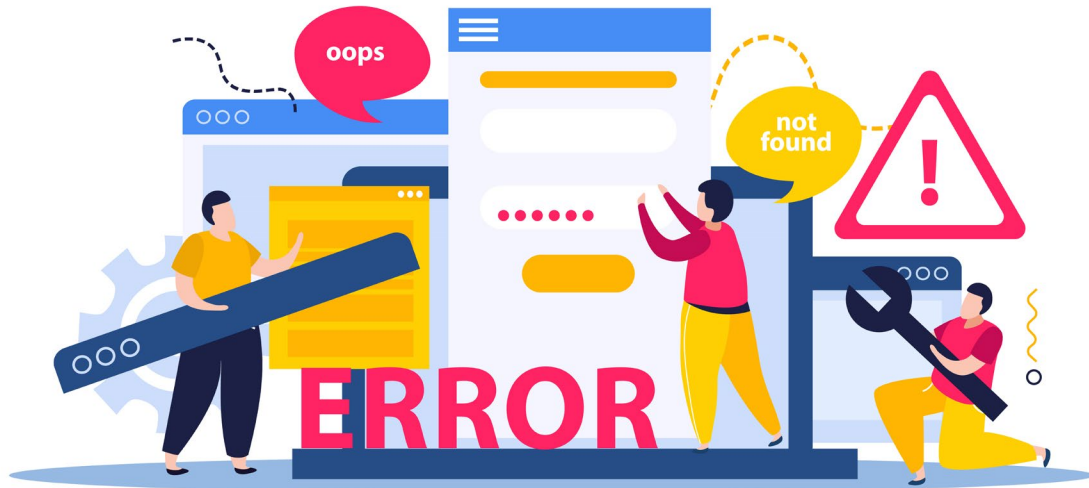


CORRECTION OF ERRORS IN AN ISSUED PATENT

Innoastra

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Correcting errors in patents is an essential process to ensure the accuracy and enforceability of the patent. Errors in patents can relate to typographical mistakes, inaccuracies in the description of the invention, incorrect inventorship, or other issues. Here are the steps and considerations for correcting errors in patents:

1. IDENTIFY THE ERROR

Carefully review the patent document to identify the specific error or errors that need correction. This can include errors in the claims, specification, drawings, or other parts of the patent.

2. TYPES OF ERRORS:

Different types of errors may require different correction processes:

Clerical Errors: Minor typographical errors, misspelled words, or obvious mistakes in the patent document may be corrected through a Certificate of Correction.

Substantive Errors: Errors that affect the substance of the patent, such as incorrect claims or an inaccurate description of the invention, may require a more complex correction process, including reissue or re-examination.

3. OPTIONS FOR CORRECTION:

(i) Certificate of Correction:

Eligibility: Used for minor errors that do not affect the substance of the patent.

- The Certificate of Correction should clearly identify the error and provide the corrected information.

- It should be signed by the patentee or someone with legal authority to make corrections.
- The corrected document is published by the patent office to notify the public of the correction.

Process: Filed with the United States Patent and Trademark Office (USPTO) along with the appropriate fee.

Limitations: Cannot be used to change the substance of the invention, but can correct typographical errors, mistakes in drawing figures, or minor errors in the specification.

(ii) Reissue Application:

Eligibility: Allows for broader corrections or amendments, including changes to claims and specification.

- A reissue application requires a detailed explanation of the error and the desired correction.
- The patent office will review the application, and if approved, issue a reissued patent with the corrected information.

Process: The application process for a reissue patent involves submitting the necessary paperwork, including a reissue oath or declaration, a reissue application data sheet, and any amended or new claims or drawings to the USPTO. The application must include a detailed explanation of the error and the proposed correction.

Limitations: The error must be inadvertent and not a result of deceptive intent. The correction cannot expand the scope of the original claims.

(iii) Re examination:

Eligibility: Used to correct errors and add information after a patent has been granted.

- In some cases, errors may be addressed through a patent re examination, which allows third parties to challenge the validity of the patent. If the re examination results in changes to the patent's claims or other aspects, these changes will be reflected in the corrected patent.

Process: The process begins with a third party (often referred to as a "requester") filing a request for re examination. This request must include a detailed explanation of the alleged prior art that raises substantial new questions of patentability.

Involves submitting a request for supplemental examination along with a fee. The USPTO conducts an examination to consider the new information.

Limitations: Cannot be used to correct errors that were made with deceptive intent.

4. CONSULT WITH A PATENT ATTORNEY:

It's highly advisable to consult with a patent attorney or agent when considering patent corrections. They can provide guidance on the best approach and ensure compliance with patent laws and regulations.

5. TIMELINESS:

Correcting errors promptly is important to avoid any potential legal complications or misunderstandings.

6. DOCUMENTATION:



Keep thorough records of all correspondence and documents related to the correction process. Remember that the process for correcting patents may vary by jurisdiction, so it's crucial to consult with a legal professional and follow the specific procedures outlined by the relevant patent office.

7. USPTO SOON ISSUING CERTIFICATES OF CORRECTION FOR PATENTS ELECTRONICALLY

On April 18, 2023, the U.S. Patent and Trademark Office (USPTO) commenced the issuance of electronic patent grants (eGrants). This allowed both patent owners and the public to promptly access and print issued patents via Patent Center. Since the transition, USPTO has granted over 200,000 eGrants.

Beginning January 30, 2024, the U.S. Patent and Trademark Office (USPTO) will introduce the electronic issuance of certificates of correction for patents. This enables both patent owners and the public to promptly view and print the issued certificates of correction via Patent Center, mirroring the eGrants process. Regardless of whether the patent was initially issued on paper or electronically, all certificates of correction for patents issued on or after January 30, 2024, will be electronically issued. The procedural aspects of requesting certificates of correction and the standards for granting such requests will remain unchanged.

About InnoAstra

InnoAstra renders end-to-end IP life cycle management services to an array of entities for streamlining their IP processes – from conceptualization to actualization to commercialization.

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