

A portion of the Supplemental Examination request submissions for patents have been rejected for failing to comply with the new rules. Based on an application that was accepted for Supplemental Examination, I have developed a template of what appears to meet the requirements:

***In the United States Patent and Trademark Office  
Patent Application Examining Operations***

*Application No.:*  
*Filed:*  
*TC/A.U.:*  
*Examiner:*  
*Confirmation No.:*  
*Docket No.:*  
*Customer No.:*

*Patent No.:*  
*Issue Date:*  
*Assignee:*

***Request for Supplemental Examination***

*[Date]*

*Mail Stop Ex Parte Reexam  
Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450*

*Dear Sir:*

*This petition requests Supplemental Examination of claims \_\_\_\_\_ of U.S. Patent No. \_\_\_\_  
\_\_\_\_\_.*

*§ 1.610 (a)*

*The required fee of \$21,260 is submitted herewith, which includes the request filing fee of \$5,140 and the reexamination fee of \$16,120.*

*§ 1.610 (b) (1)*

*Supplemental Examination pursuant to 35 U.S.C. §257 et seq. is requested for U.S. Patent entitled \_\_\_\_\_, issued \_\_\_\_\_.*

*§ 1.60 (b) (2)*

*Items of information submitted herewith are the following:*

*§ 1.60 (b) (3)*

*There are no other prior or concurrent proceedings involving this patent.*

*§ 1.60 (b) (4)*

Supplemental Examination is request for claims \_\_\_\_\_ of U.S. Patent No. \_\_\_\_\_  
\_\_\_\_\_

### **Summary**

A substantial new question of patentability is believed to exist because prior art considered during the prosecution of the patent did no show \_\_\_\_\_  
\_\_\_\_\_. The items of information submitted with this request do show this feature.

Each of the items of information submitted is directed to a system of this type or mentions use in a system of this type. However, the items of information \_\_\_\_\_  
\_\_\_\_\_ do not show \_\_\_\_\_  
\_\_\_\_\_.

Thus, while the cited prior art failed to show an \_\_\_\_\_  
\_\_\_\_\_ the items of information do show such a feature. A feature \_\_\_\_\_  
\_\_\_\_\_ disclosed in the items of information above and for that reason petitioner believes that a substantial new question of patentability exists with respect to claims \_\_\_\_\_ of the \_\_\_\_\_ patent.

#### § 1.60 (b) (5)

Reference is made to the chart below which shows the partial correspondence of the items of information and cited prior art with claims \_\_\_\_\_ of the \_\_\_\_\_ patent. The chart is not to be constructed as an admission that the features of the prior art referenced therein contain each limitation of the corresponding phrases from the claims.

#### § 1.60 (b) (6)

A copy of the \_\_\_\_\_ patent is submitted herewith as attachment A.

#### § 1.60 (b) (7)

Copies of each item of information are submitted herewith as attachments B, C, D, E, F, G, and H.

#### § 1.60 (b) (8)

Not applicable: no items of information are over 50 pages in length.

#### § 1.60 (b) (9)

A statement under 37 CFR 3.73 (c) identifying \_\_\_\_\_ [assignee] owner of the patent for which Supplemental Examination is requested is submitted herewith.

#### Explanation under 37 CFR 1.610(c) (3) and (4)

While Petitioner believes that the items of information as submitted do raise a substantial new question of patentability, Petitioner also believes that claims \_\_ of the patent are patentable over the new prior art. What the items of information disclose that is new is the use of \_\_\_\_\_. While the new prior art adds a combination not previously considered, this is not enough to render claims \_\_\_\_\_ invalid.

*Thus, no single piece of prior art, either cited during prosecution, submitted herewith, shows the claimed invention. Further, there is no teaching that would suggest that claimed elements.*

*Respectfully Submitted,*

*Practitioner*