

§ 41.20

§ 41.12 Citation of authority.

(a) *Authority.* Citations to authority must include:

(1) *United States Supreme Court decision.* A citation to a single source in the following order of priority: United States Reports, West’s Supreme Court Reports, United States Patents Quarterly, Westlaw, or a slip opinion.

(2) *United States Court of Appeals decision.* A citation to a single source in the following order of priority: West’s Federal Reporter (F., F.2d or F.3d), West’s Federal Appendix (Fed. Appx.), United States Patents Quarterly, Westlaw, or a slip opinion.

(3) *United States District Court decision.* A citation to a single source in the following order of priority: West’s Federal Supplement (F.Supp., F.Supp. 2d), United States Patents Quarterly, Westlaw, or a slip opinion.

(4) *Slip opinions.* If a slip opinion is relied upon, a copy of the slip opinion must accompany the first paper in which an authority is cited.

(5) *Pinpoint citations.* Use pinpoint citations whenever a specific holding or portion of an authority is invoked.

(b) *Non-binding authority.* Non-binding authority may be cited. If non-binding authority is not an authority of the Office and is not reproduced in one of the reporters listed in paragraph (a) of this section, a copy of the authority shall be filed with the first paper in which it is cited.

§ 41.20 Fees.

(a) *Petition fee.* The fee for filing a petition under this part is \$400.00.

(b) *Appeal fees.* (1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§1.27(a) of this title)	\$255.00
By other than a small entity	\$510.00

(2) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§1.27(a) of this title)	\$255.00
By other than a small entity	\$510.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§1.27(a) of this title)	\$515.00
By other than a small entity	\$1,030.00

[69 FR 50003, Aug. 12, 2004, as amended at 69 FR 52606, Aug. 27, 2004; 69 FR 55506, Sept. 15, 2004; 69 FR 56546, Sept. 21, 2004; 70 FR 3892, Jan. 27, 2005; 72 FR 46903, Aug. 22, 2007]

Subpart B—Ex Parte Appeals

§ 41.30 Definitions.

In addition to the definitions in §41.2, the following definitions apply to proceedings under this subpart unless otherwise clear from the context:

Applicant means either the applicant in a national application for a patent or the applicant in an application for reissue of a patent.

Owner means the owner of the patent undergoing *ex parte* reexamination under §1.510 of this title.

Proceeding means either a national application for a patent, an application for reissue of a patent, or an *ex parte* reexamination proceeding. Appeal to the Board in an *inter partes* reexamination proceeding is controlled by subpart C of this part.

EFFECTIVE DATE NOTE: At 73 FR 32973, June 10, 2008, §41.30 was amended by adding a definition for “Record”, effective December 10, 2008. For the convenience of the user, the added text is set forth as follows:

§ 41.30 Definitions.

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Record means the official content of the file of an application or reexamination proceeding on appeal.

§ 41.31 Appeal to Board.

(a) *Who may appeal and how to file an appeal.* (1) Every applicant, any of whose claims has been twice rejected, may appeal from the decision of the examiner to the Board by filing a notice of appeal accompanied by the fee set forth in §41.20(b)(1) within the time period provided under §1.134 of this title for reply.

(2) Every owner of a patent under *ex parte* reexamination filed under §1.510 of this title before November 29, 1999, any of whose claims has been twice rejected, may appeal from the decision of the examiner to the Board by filing a notice of appeal accompanied by the fee set forth in §41.20(b)(1) within the time period provided under §1.134 of this title for reply.

(3) Every owner of a patent under *ex parte* reexamination filed under §1.510 of this title on or after November 29, 1999, any of whose claims has been finally (§1.113 of this title) rejected, may