

USPTO Transitions to Issuing Electronic Certificates of Correction for Patents

Summary

The United States Patent and Trademark Office (USPTO) implemented electronic patent issuance on April 18, 2023, to foster a green economy by reducing paper waste, and to permit issued patents to be viewable and printable by both patent owners and the public immediately upon issuance in the Patent Center. See USPTO Officially Transitions to Issuing Electronic Patent Grants in 2023, Final rule, 88 FR 12560 (February 28, 2023). Since that time, the USPTO has issued over 200,000 electronic patent grants. The USPTO continually looks for opportunities to streamline and improve its processes. In order to streamline its process of publishing certificates of correction, reduce paper waste, and permit issued certificates of correction to be viewable and printable by both patent owners and the public immediately upon issuance in the Patent Center, the USPTO will begin issuing certificates of correction for patents electronically, similar to how it now issues electronic patent grants.

Background

The USPTO issues certificates of correction for patents under seal pursuant to 35 U.S.C. 254, 35 U.S.C. 255, and 35 U.S.C. 256. Currently, a certificate of correction is issued in paper and mailed to the correspondence address of record. Upon issuance of a paper certificate of a correction, an image of the certificate of correction is entered into the file wrapper and added to the image of the patent in the patent database at www.uspto.gov/PatentPublicSearch. Additionally, the USPTO lists patents subject to a certificate of correction in the Official Gazette. See section 1485, subsection I, of the Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 07.2022, February 2023).

Process Change

As part of the continued move toward total electronic processing, the USPTO will issue certificates of correction for patents electronically beginning January 30, 2024. The electronic certificate of correction will be the official certificate of correction issued under seal as provided for by the applicable statute. The USPTO will make electronic certificates of correction available in both the public and private views of Patent Center on the certificate's date of issuance. Therefore, the public and the patent owner will be able to immediately view the official electronic certificate of correction. The USPTO will not mail a paper copy of the certificate of correction.

Patents issued on or after April 18, 2023, are issued electronically, whereas patents issued before April 18, 2023, were issued on paper. All certificates of correction for patents issued on or after January 30, 2024, will be issued electronically, regardless of whether the patent was issued on paper or electronically. The other practices incident to issuance of a certificate of correction for notifying the public and the patent owner, as detailed in the Background section above, will not change.

A notice will be sent to the patent owner to indicate that an electronic certificate of correction has issued. If the patent is associated with a Customer Number enrolled in the Patent Center Electronic Office (e-Office) Action program, the USPTO will send an email notification of the

certificate of correction to the designated email addresses. Otherwise, the USPTO will mail a notification that the certificate of correction has issued to the correspondence address of record. The USPTO encourages participation in the Patent Center e-Office Action program, and information on joining is available at www.uspto.gov/patents/apply/checking-application-status/e-office-action-program.

Important Reminders

Procedural aspects of requesting certificates of correction and the standards for granting the requests will not change. To request a certificate of correction for a patent, the patent owner may use form PTO/SB/44 together with a signed coversheet that explains the basis for the request. For more information on certificates of correction, see sections 1480-1481.03 and 1485 of the MPEP.

Contact information

Any inquiry regarding this notice may be directed to Andrew St.Clair, Legal Advisor, Office of Patent Legal Administration, Office of the Commissioner for Patents, at 571-270-0238 or PatentPractice@uspto.gov.

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office