

Examination Guidance and Training Materials

35 U.S.C. 101	
Subject matter eligibility	<ul style="list-style-type: none"> • 2014 Interim Guidance On Patent Subject Matter Eligibility (December 2014) and July 2015 Update: Subject Matter Eligibility (July 2015) (/patent/laws-and-regulations/examination-policy/2014-interim-guidance-subject-matter-eligibility-0) • Past Subject Matter Eligibility Guidance and Training Materials (/patent/laws-and-regulations/examination-policy/past-subject-matter-eligibility-guidance-and-training)
America Invents Act	
First Inventor To File (FITF)	<ul style="list-style-type: none"> • First-Inventor-to-File Training Plan for USPTO Examiners (/aia_implementation/fitf_examiner_training_plan.pdf) [PDF] • First-Inventor-to-File Statutory Framework Chart (/aia_implementation/FITF_card.pdf) [PDF] • Overview CBT (March 2013) (46 min) Video (/video/cbt/aiafitfexaminertraining/) Slides (/aia_implementation/fitf_live_overview_training_slides-march2013.pdf) [PDF] • Overview Follow-On Video (March 2013) (27 min) Video (http://helix-1.uspto.gov/player/20130316_AIA-FITF.html) Slides (/aia_implementation/fitf_followup_video_2013mar.pdf) [PDF] • FITF Definitions (June 2013) (14 min) Video (/video/cbt/FITF/) Slides (/aia_implementation/fitf_comprehensive_training_definitions_under_the_aia.pdf) [PDF] Handout (/aia_implementation/fitf_comprehensive_training_definition_sheet.pdf) [PDF] • Comprehensive Examiner Training Slides (Summer 2013) Video (/video/cbt/FITF-cmprh-trng/) Slides (/aia_implementation/fitf_comprehensive_training_prior_art_under_aia.pdf) [PDF] • AIA FITF Indicator Training (Fall 2013) Video (/video/cbt/FITF-indct-trng/) Slides (/sites/default/files/documents/AIA%20Indicator%20Training%20for%20Examiners.pdf) [PDF] • FITF Evidentiary Declarations (Winter 2014) Video (/video/cbt/FITF-decl/index.htm) Slides (/sites/default/files/documents/FITF%20Evidentiary%20Declarations.pdf) [PDF]
non-FITF AIA Regulations	<ul style="list-style-type: none"> • non-FITF Regulations Training (/patents/law/exam/NonFITF_AIA_Topics_508.pdf) (Summer 2013) [PDF]
Claim Interpretation	
	<ul style="list-style-type: none"> • Examining Functional Claim Limitations: Focus on Computer/Software-related Claims

- [Computer Based Training \(http://adobecnct.uspto.gov/efcl/\)](http://adobecnct.uspto.gov/efcl/) [CBT] [posted June 30, 2015]
- [PowerPoint of the CBT \(/sites/default/files/documents/fnctnllnggcmptr.pptx\)](/sites/default/files/documents/fnctnllnggcmptr.pptx) [PPT] [posted June 30, 2015]
- Broadest Reasonable Interpretation (BRI) and the Plain Meaning of Claim Terms
 - [Computer Based Training \(http://adobecnct.uspto.gov/claiminterpretationbri/\)](http://adobecnct.uspto.gov/claiminterpretationbri/) [CBT] [posted March 3, 2015]
 - [PowerPoint of the CBT \(/sites/default/files/documents/bri%20and%20plain%20meaning.pptx\)](/sites/default/files/documents/bri%20and%20plain%20meaning.pptx) [PPT] [posted March 3, 2015]

35 U.S.C. 112

35 USC 112(f)
– “Means-
plus-function”
limitations

- 35 USC 112(f): Broadest Reasonable Interpretation and Definiteness of § 112(f) Limitations
 - [Computer Based Training \(/video/cbt/BRI/\)](/video/cbt/BRI/) [CBT] [posted May 5, 2014]
 - [PowerPoint of the CBT \(/patents/law/exam/112f_bri_definiteness.pptx\)](/patents/law/exam/112f_bri_definiteness.pptx) [PPT] [posted May 5, 2014]
- 35 USC 112(f): Evaluating § 112(f) Limitations in Software-Related Claims for Definiteness under 35 USC 112(b)
 - [Computer Based Training \(/video/cbt/sftwrevaluate/index.htm\)](/video/cbt/sftwrevaluate/index.htm) [CBT] [posted June 20, 2014]
 - [PowerPoint of the CBT \(/sites/default/files/documents/112f_evaluating_software.pptx\)](/sites/default/files/documents/112f_evaluating_software.pptx) [PPT] [posted June 5, 2014]
- 35 USC 112(f): Identifying Limitations That Invoke 112(f)
 - [Computer Based Training \(/video/cbt/identify-limit/index.htm\)](/video/cbt/identify-limit/index.htm) [CBT] [posted August 2, 2013]
 - [PowerPoint of the CBT \(/patents/law/exam/112f_identifying_limitations.pptx\)](/patents/law/exam/112f_identifying_limitations.pptx) [PPT] [posted August 2, 2013]
 - [Handout \(/patents/law/exam/112f_identifying_limitations.pdf\)](/patents/law/exam/112f_identifying_limitations.pdf) [PDF] [posted August 2, 2013]
- 35 USC 112(f): Making the Record Clear
 - [Computer Based Training \(/video/cbt/make-record/index.htm\)](/video/cbt/make-record/index.htm) [CBT] [posted August 2, 2013]
 - [PowerPoint of the CBT \(/patents/law/exam/112f_making_record_clear.pptx\)](/patents/law/exam/112f_making_record_clear.pptx) [PPT] [posted August 2, 2013]
 - [Handout \(/patents/law/exam/112f_making_record_clear.pdf\)](/patents/law/exam/112f_making_record_clear.pdf) [PDF] [posted August 2, 2013]

The public is invited to submit comments on the training to:

TrainingComments112f@uspto.gov (mailto:TrainingComments112f@uspto.gov)

35 USC 112(a)

- Examining Claims for Compliance with 35 USC 112(a): Overview and Part I - Written Description = Focus on Electrical/Mechanical and Computer/Software-related Claims
 - [Computer Based Training \(CBT\) \(/video/cbt/examiningclaimsforcompliancefinal-part%201/\)](/video/cbt/examiningclaimsforcompliancefinal-part%201/) [posted 08/17/2015]
 - [PowerPoint of the CBT](#)

	<ul style="list-style-type: none"> ◦ (/sites/default/files/documents/uspto_112a_part1_17aug2015.pptx) [posted 08/17/2015] ◦ Written Description Workshop (/sites/default/files/documents/writdesc_workshop_nov2015.pdf) • Examining Claims for Compliance with 35 USC 112(a): Part II - Enablement = Focus on Electrical/Mechanical and Computer/Software-related Claims <ul style="list-style-type: none"> ◦ Computer Based Training (CBT) (/video/cbt/examcc-part2/) [posted 10/15/2015] ◦ PowerPoint of the CBT (/sites/default/files/documents/uspto_112a_part2_aug2015.pptx) [posted 10/07/2015] • Antibody Decisions and Their Compliance with the Written Description Requirement <ul style="list-style-type: none"> ◦ PowerPoint of the CBT (/sites/default/files/documents/Antibody_1172015.pptx) [posted 10/07/2015] • Please note that the following Written Description Training Materials, Revision 1, March 25, 2008, include examples that now require further analysis for subject matter eligibility under 35 U.S.C. 101 in view of recent changes in the law. A new version will be prepared to reflect changes in the law since 2008, including any required clarifications due to developments in the law relating to 35 U.S.C. 112. The next revision will be posted as soon as it is available. • [ARCHIVED] Written Description Guidelines Training Materials (2008) (/web/menu/written.pdf) [PDF]
Supplemental, 11, 12, 14, 16	<ul style="list-style-type: none"> • Supplementary Examination Guidelines for Determining Compliance With 35 U.S.C. 112 and for Treatment of Related Issues in Patent Applications (signed January 21, 2011) (/cgi-bin/exitconf/internet_exitconf.pl?target=www.gpo.gov/fdsys/pkg/FR-2011-02-09/pdf/2011-2841.pdf) • 35 U.S.C. § 112 Supplementary Examination Guidelines (/patents/law/exam/112_suppl_exam_2011.ppt) [PPT] (slide set prepared from guidelines signed January 21, 2011) • Training Examples (/patents/law/exam/supp_112_exr_training_exs.pdf) [posted May 20, 2011]
Patent Trial and Appeal Board	
Rules of Practice	<ul style="list-style-type: none"> • Rules of Practice Before the BPAI in Ex Parte Appeals (2012) (/patents/law/exam/bpai_slides_20120203.pptx)
35 U.S.C. 103	
Obviousness, KSR	<ul style="list-style-type: none"> • Examination Guidelines and Training Materials in view of KSR Int'l Co. v. Teleflex Inc. (/patents/law/exam/ksr_training_materials.jsp) (through 2010 update)
Best Practices in Examination	
Awareness	<ul style="list-style-type: none"> • Best Practices in Compact Prosecution (2009)

Workshop	(/patents/law/exam/compact_prosecution.pdf)
Interview Practice	<ul style="list-style-type: none">• Interview Best Practices (2011) (/patents/law/exam/interview_best_practices.pdf)• Interview Practice Training Summary (2009) (/patents/law/exam/interview_practice_training_summary.pdf)