

-CITE-

35 USC Sec. 142

02/01/2010

-EXPCITE-

TITLE 35 - PATENTS

PART II - PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS

CHAPTER 13 - REVIEW OF PATENT AND TRADEMARK OFFICE DECISIONS

-HEAD-

Sec. 142. Notice of appeal

-STATUTE-

When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office **a** written notice of appeal directed to the Director, within such time after the date of the decision from which the appeal is taken as the Director prescribes, but in no case less than 60 days after that date.

-SOURCE-

(July 19, 1952, ch. 950, 66 Stat. 802; Pub. L. 93-596, Sec. 1, Jan. 2, 1975, 88 Stat. 1949; Pub. L. 97-164, title I, Sec. 163(**a**)(7), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-620, title IV, Sec. 414(**a**), Nov. 8, 1984, 98 Stat. 3362; Pub. L. 106-113, div. B, Sec. 1000(**a**)(9) [title IV, Sec. 4732(**a**)(10)(**A**)], Nov. 29, 1999, 113 Stat. 1536, 1501A-582; Pub. L. 107-273, div. C, title III, Sec. 13206(b)(1)(B), Nov. 2, 2002, 116 Stat. 1906.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., Sec. 60 (R.S. 4912, amended (1) Mar. 2, 1927, ch. 273, Sec. 9, 44 Stat. 1336, (2) Mar. 2, 1929, ch. 488, Sec. 2(b), 45 Stat. 1476).

Changes in language are made.

AMENDMENTS

2002 - Pub. L. 107-273 made technical correction to directory language of Pub. L. 106-113. See 1999 Amendment note below.

1999 - Pub. L. 106-113, as amended by Pub. L. 107-273, substituted "Director" for "Commissioner" in two places.

1984 - Pub. L. 98-620 amended section generally, substituting "the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date" for "the appellant shall give notice thereof to the Commissioner, and shall file in the Patent and Trademark Office his reasons of appeal, specifically set forth in writing, within such time after the date of the decision appealed from, not less than sixty days, as the Commissioner appoints".

1982 - Pub. L. 97-164 substituted "Court of Appeals for the Federal Circuit" for "Court of Customs and Patent Appeals".

1975 - Pub. L. 93-596 substituted "Patent and Trademark Office" for "Patent Office".

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29,

1999, see section 1000(a)(9) [title IV, Sec. 4731] of Pub. L. 106-113, set out as **a** note under section 1 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 414(c) of Pub. L. 98-620 provided that: "The amendments made by this section [amending this section, sections 143 and 144 of this title, and section 1071 of Title 15, Commerce and Trade] shall apply to proceedings pending in the Patent and Trademark Office on the date of the enactment of this Act [Nov. 8, 1984] and to appeals pending in the United States Court of Appeals for the Federal Circuit on such date."

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as **a** note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-596 effective Jan. 2, 1975, see section 4 of Pub. L. 93-596, set out as **a** note under section 1111 of Title 15, Commerce and Trade.