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Note Concerning U.S. Application Serial Numbers and Series Codes

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In the hands of an experienced patent researcher, a patent application number becomes a powerful key to retrieving a wealth of valuable information hidden in the patent databases of the world. The following note provides information compiled from several sources concerning U.S. application serial numbers and series codes.

Utility, Plant and Reissue (UPR) Applications

The first U.S. patent law was enacted on April 10, 1790 and the first U.S. patent granted to Samuel Hopkins of Philadelphia on July 31 for an improvement in "the making of Pot ash and Pearl ash." During its first 46 years of operation, the Patent Office did not assign numbers to patent applications or issued patents, opting instead to organize patent information by inventor name, date of issue and invention title. The Patent Act of July 4, 1836 established the foundations of modern U.S. patent law. Shortly thereafter, the Patent Office began assigning numbers to issued patents starting with Patent No. 1 granted on July 13, 1836 to Senator John Ruggles of Maine, one of the principal supporters of patent reform.

The list of "Filing Years and Patent Application Serial Numbers Since 1882" published on the U.S. Patent & Trademark Office (USPTO) Web site shows the approximate first assigned serial number for utility (including plant and reissue), design and provisional applications from 1882 up to the current year. It appears, however, that the Patent Office did not publish application serial numbers on issued patents before October 1885. For example, Patent No. 327,508, issued on September 29, 1885, refers only to the application filing date; Patent No. 327,509, issued one week later on October 6, includes both a serial number and filing date. Serial numbers were (and are) assigned in sequential order from 1 to 999,999 (WIPO, 2003). According to the published list, from 1882 to 1925, the Patent Office rotated through the sequence three times.

In 1925, the Patent Office added a series code prefix to the serial number in order to create a unique application number. When the upper limit is reached, the series code advances and the serial number sequence is restarted at 1. Since 1925, the USPTO has gone through ten serial number series. Series 11 was begun on Dec. 1, 2004. (See Table 1.) Although series codes have been in use for eight decades, only in recent years has the USPTO included them on issued patents and published applications.

The USPTO's implementation in June 2003 of the Image File Wrapper (IFW) system, an end-to-end electronic patent application processing system, caused a small deviation in application numbering. As a way of marking the inauguration of automated patent processing, the USPTO jumped the queue of serial numbers to selected "milestone" numbers for applications that started the initial processing in IFW. On or after June 18, 2003, new utility applications were assigned numbers starting with 600,001; provisional applications received numbers from 480,001 forward; and design applications were numbered started at 185,001. The USPTO continues to use numbers below 600,001, etc. for applications that are initially processed in paper (Koontz, 2005). This explains the concurrent assignment of serial numbers in Series 10 and Series 11.

Additional Improvement Patents (1836-1861), Defensive Publications (1968-1985), and Statutory Invention Registrations (1985-present) are based on UPR patent applications and have standard serial numbers.

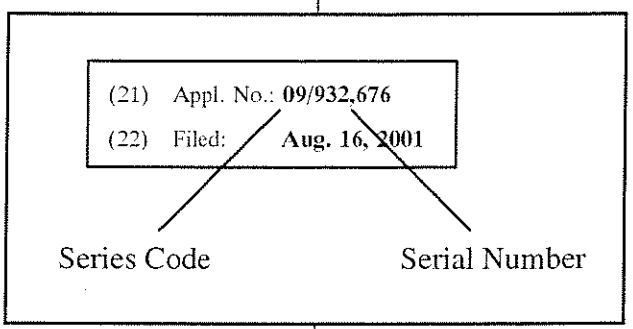
Alien Property Custodian Patents, 1942-1946

During World War II, the U.S. government seized thousands of pending patent applications filed by inventors from enemy and enemy-controlled countries. The agency responsible for managing "vested" enemy intellectual property assets was the Office of the Alien Property Custodian (APC). In December 1942, the APC decided to make vested patents and pending applications available for licensing through a nationwide information dissemination program (White, 2001). From April to July, 1943, by order of the APC, the Patent Office published vested applications and made them available for sale to the public. This was the first time pending U.S. applications had been published in such large numbers. The Patent Office assigned numbers to these documents consisting of the application serial number

preceded by the initials "APC." For example, application 238,144, filed on November 1, 1938 by Rudolf Vancura of Vienna, Germany (Austria), was published on April 27, 1943 as APC 238,144. During the war the APC continued to prosecute patent applications under its control, ultimately adding about 3,000 patents to its portfolio. The Patent Office granted Rudolf Vancura Patent No. 2,381,192 for a stapling device on August 7, 1945. A bound set of published APC applications is located in the USPTO Public Search Facility in Alexandria, Virginia.

Design Applications, 1842-present

The first U.S. design patent was granted to George W. Bruce of New York City in November 1842 for a new design of type fonts. George and his older brother David emigrated from Scotland in the 1790s and established the Bruce Type Foundry in 1813. David retired from the day-to-day management of the business in 1824, but George went on to become one of the most successful and innovative American typesetters in the 19th century (Annenberg, 1975). Both brothers received several design patents for type fonts in the 1840s and 1850s. (See D1, D1,014 and D1,850.) David died in 1857 at the age of eighty-seven while George lived until 1866.



As with early utility patent applications, design patent applications during the mid-19th century were not assigned serial numbers. According to the list of application serial numbers published on the USPTO web site, beginning in the 1880s utility and design patent applications were assigned to a common serial number sequence. This practice continued until 1922 when the Patent Office established a separate serial number sequence for design patent applications. However, series codes were not in use before 1925 for either design or utility applications, as mentioned above. Nor does it appear that a series code for design applications was used after the introduction in 1925 of series codes for utility applications. In 1971, the Patent Office reverted to its former practice of assigning design application serial numbers in the same sequence as utility applications. This continued until October 1, 1992, when the USPTO established a new serial number sequence and series code for design applications. Since 1992, approximately 220,000 design applications have been assigned serial numbers under series code 29.

Provisional Applications, 1995-present

On June 8, 1995, the USPTO established a provisional application for patent, a low-cost option for inventors seeking to secure an effective filing date for their inventions before they were ready to file a formal, or non-provisional, application. Provisional applications require no oath or declaration, claims, or information disclosure statements. However, a provisional application must be cited in a non-provisional application filed within one year of the provisional application's filing date (USPTO, 2005). Provisional applications are assigned sequential serial numbers under series code 60. Since 1995, inventors have filed approximately 640,000 provisional applications. Provisional applications that are cited in published applications or issued patents are open to the public and may be accessed via the Public PAIR/Image File Wrapper system.

Ex Parte and Inter Partes Reexamination Proceedings, 1981-present

The USPTO implemented procedures for the reexamination of issued patents on July 1, 1981 under the provisions of Public Law 96-517, the Government Patent Policy Act of 1980 (USPTO, MPEP, 2004). The reexamination statute and rules permit any person to request a reexamination of a patent by citing to the USPTO prior art that may have a bearing on the patentability of any claim of the patent. In these proceedings, which are called *ex parte* reexaminations, third party requestors have limited participation beyond the initial request. Public Law 106-113, the Intellectual Property and Communications Omnibus Reform Act of 1999, enacted on November 29, 1999, expanded reexamination proceedings to include an optional *inter partes* reexamination process that permits third party requesters to participate throughout the proceedings. In exchange, the party making the request must accept a statutory estoppel against subsequent review "of the issues that were or could have been raised in the reexamination proceeding" (USPTO, MPEP, 2004).

Similar to patent applications, *ex parte* and *inter partes* reexamination proceedings are assigned serial numbers, also known as control numbers, from independent sequences associated with series codes 90 and 95, respectively. New requests for reexaminations are announced in the Notices section of the *Official Gazette*. As of September 27, 2005, approximately 104 *inter partes* and 7,654 *ex partes* requests had been made. Reexamination files and patents are open to the public and may be accessed via the Public PAIR/Image File Wrapper system. However, it appears that only bibliographic data is available for ex parte reexaminations prior to April 1984.

Table 1. U.S. Patent Application Series Codes, 1925-present.

01	January 1, 1925-December 31, 1934.
02	January 1, 1935-December 31, 1947.
03	January 1, 1948-December 31, 1959.
04	January 1, 1960-December 31, 1969.
05	January 1, 1970-December 31, 1978.
06	January 1, 1979-December 31, 1986.
07	January 1, 1987-December 31, 1992.
08	January 1, 1993-December 31, 1997.
09	January 1, 1998-November, 2001.
10	October 24, 2001-present.
11	December 1 2004-present.
29	Design patent applications, October 1, 1992-present.
60	Provisional applications, June 1, 1995-present.
90	*Ex Parte* reexamination proceedings, July 1, 1981-present.
95	*Inter Partes* reexamination proceedings, November 29, 1999-present.

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