

New 35 USC § 122(e) AIA

(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

- (1) IN GENERAL.—Any third party may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other printed publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—
- “(A) the date a notice of allowance under section 151 is given or mailed in the application for patent; or
 - “(B) the later of—
 - “(i) 6 months after the date on which the application for patent is first published under section 122 by the Office, or
 - “(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent.
- (2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—
- “(A) set forth a concise description of the asserted relevance of each submitted document;
 - “(B) be accompanied by such fee as the Director may prescribe; and
 - “(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.