

DOUBLE PATENTING REJECTION

The doctrine of double patenting seeks to prevent the unjustified extension of patent exclusivity beyond the term of a patent.

A double patenting issue may arise between two or more pending applications (whether or not the other pending application has published), or between one or more pending applications and a patent.

Generally, a double patenting rejection is not permitted where the claimed subject matter is presented in a divisional application as a result of a restriction requirement made in a parent application under 35 U.S.C. 121.

