

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

USPTO: United States Patent and Trademark Office (USPTO)

35 U.S.C.*: Title 35, United States Code, Patents

37 CFR*: Title 37, Code of Federal Regulations, Patents, Trademarks and Copyrights

* The number cited after the letters U.S.C. or CFR is the relevant section of the Patent Statute or of the Regulations, respectively.

SUMMARY**Designated
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)****US****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter in the drawings, abstract ² Under PCT Article 39(1): Request, description, claims, any text matter in the drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report) ²
Is a copy of the international application required? ³	Applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the USPTO has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.

[Continued on next page]

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.

² If the translation of the amendments is not furnished, the amendments are considered to be cancelled (37 CFR 1.495(d) and (e)).

³ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

SUMMARY**Designated
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)****US**

[Continued]

National fee:⁴

Currency: US dollar (USD)

Basic national fee (37 CFR 1.492(a)(1)-(5)):⁵

— where a preliminary examination fee has been paid on the international application to the USPTO: USD 750 (375)⁶ |

— where no preliminary examination fee has been paid to the USPTO, but a search fee has been paid on the international application to the USPTO as an International Searching Authority: USD 790 (395)⁶ |

— where no preliminary examination fee has been paid and no search fee has been paid on the international application to the USPTO and no international search report has been prepared by the European Patent Office or the Japan Patent Office: USD 1,110 (555)⁶ |

— where an international search report has been prepared by the European Patent Office or the Japan Patent Office: USD 950 (475)⁶ |

— where the international preliminary examination report prepared by the USPTO states that the criteria of novelty, inventive step (non-obviousness) and industrial applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all the claims presented in the international application entering the national phase: USD 100 (50)⁶

Additional fee for each claim in independent form in excess of three:⁷ USD 88 (44)⁶ |

Additional fee for each claim, independent or dependent, in excess of 20:⁷ USD 18 (9)⁶

In addition, if the application contains one or more multiple dependent claims, per application:⁷ USD 300 (150)⁶ |

Surcharge for filing oath or declaration after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130 (65)⁶

Processing fee for filing English-language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130⁸

[Continued on next page]

⁴ The amounts of these fees change periodically. The United States Patent and Trademark Office or the *Official Gazette of the United States Patent and Trademark Office – Patents* available at: <http://www.uspto.gov/web/offices/com/sol/og/index.html> should be consulted for the applicable amounts.

⁵ Must be paid within the time limit applicable under PCT Article 22 or 39(1).

⁶ The amount in parentheses is applicable in case of filing by a “small entity.” “Small entity” status can be established by a simple written assertion of entitlement to “small entity” status, or by payment of the exact amount of one of the “small entity” basic national fees set forth in 37 CFR 1.492(a)(1) to (5) (see 37 CFR 1.27, and *PCT Applicant's Guide*, Volume II, Annex US.V).

⁷ If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time limit fixed in the invitation.

⁸ This fee is unaffected by “small entity” status.

SUMMARY

**Designated
(or elected) Office**

SUMMARY

US

**UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)**

US

[Continued]

Exemptions, reductions or refunds of the national fee:	Reductions of the national fees are indicated under the national fees listed above
Special requirements of the Office (PCT Rule 51bis):	Oath or declaration of the inventor ^{9, 10} Declaration as to the applicant's entitlement to claim priority of the earlier application ¹⁰ Information disclosure statement is recommended ¹¹ Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in computer readable form
Who can act as agent?	Patent attorneys and patent agents registered to practice before the USPTO. A list of registered patent attorneys and agents may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and on the Internet at http://www.uspto.gov/web/offices/dcom/olia/oed/roster/index.html .

⁹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a surcharge is paid for furnishing the oath or declaration later.

¹⁰ This requirement may be satisfied if the corresponding declaration has been made in accordance with Rule 4.17.

¹¹ Should be filed within three months from performing the acts for entering the national phase (see 37 CFR 1.491).

THE PROCEDURE IN THE NATIONAL PHASE

35 USC 115
to 118
37 CFR 1.421(b)
35 USC 373
37 CFR 1.421
to 1.425

US.01 APPLICANT MUST BE THE INVENTOR. As stated in Volume I, paragraphs 61, 62, 73 and 77, in the United States of America a patent application can only be filed by the inventor (or, when an invention has been made by two or more persons jointly, the inventors). If the inventor is dead, insane or otherwise legally incapacitated, his legal representative may file the application (see Volume I, paragraphs 432 to 435). Where the inventor is unavailable or unwilling to sign, see Volume I, paragraphs 436 to 442.

US.02 An international application designating the United States of America must, therefore, indicate the inventor as applicant. In case of failure to meet this requirement, the international application may not be accepted in the national phase by the USPTO.

37 CFR 1.76

US.03 FORM FOR ENTERING THE NATIONAL PHASE. The USPTO has available a special form for the transmittal of the fees and documents required for entering the national phase (see Annex US.II). This form should preferably (but need not) be used, however, see paragraph US.05, below. Together with the special form indicated above, applicants may also submit an "application data sheet" containing bibliographic data. The submission of an application data sheet is voluntary. The "application data sheet" facilitates electronic capture of the bibliographic data by the USPTO, thus leading to more accurate data recording and quicker processing by eliminating the need to have this data manually extracted from the application papers. A guide to preparing an application data sheet can be found at the USPTO's website www.uspto.gov by clicking on "Patents" then "Forms" and then on "New Application Data Sheet Guidelines."

37 CFR 1.1
1.5
1.6(d)

US.04 CORRESPONDENCE. All correspondence should be addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, USA. If the applicant has received a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495," the reference to "Mail Stop PCT" should be deleted. If a U.S. application number (e.g., 08/123,456) has been assigned, it should be indicated on the papers. If a U.S. application number has not yet been assigned, the correspondence should state the name of the applicant, the international filing date, the international application number and the title of the invention. It is important to note that a copy of the international application used to enter the national phase may NOT be submitted by facsimile.

35 USC 371
111
37 CFR 1.495(g)

US.05 The USPTO requires that documents submitted by the applicant be clearly identified as being for entry into the national phase under the PCT; otherwise, the documents will be treated as having been filed for a new US national patent application. The identification requirement is usually complied with if the transmittal letter referred to in paragraph US.03 above and reproduced in Annex US.II is used. The identification of the international application, in the declaration or oath of the inventor (see paragraph US.12, below) or otherwise, as a prior filed application for priority purposes is not considered to be a sufficient indication of an intention to enter the national phase under the PCT. In case of doubt because of insufficient or contradictory indication the USPTO will treat documents submitted as a new US national patent application.

35 USC 371(d)
37 CFR 1.492(f)
1.495(c)-(e)

US.06 TRANSLATION (LATE FURNISHING OF). If the applicant pays the basic national fee and a copy of the international application is received within the applicable time limit under PCT Article 22 or 39(I), but a translation of the international application has not been furnished by the applicant or is incomplete, a notice is sent to the applicant which sets a time period for furnishing the translation. The applicant can then furnish the translation provided that a processing fee is paid. The amount of the processing fee is indicated in Annex US.I. The time period set in the notice will be two months from the date of the notice or 32 months from the priority date, whichever is later. The time period set in the notice may be extended as provided for in 37 CFR 1.136(a) (see paragraph US.24(i), below). Where amendments to the claims have been filed with the International Bureau under Article 19 and the applicant fails to

furnish a translation or copy (see the Summary) of such amendments to the claims within the time limit applicable under PCT Article 22 or 39(1), the amendments to the claims are considered to have been cancelled. A translation of any annex to the International Preliminary Examination Report must be furnished prior to the expiration of the applicable time limit under PCT Article 39(1); however, a translation of the annex may be provided during any time period set to furnish a translation of the international application or an oath or declaration of the inventor. If a translation of the annex is not timely filed, the amendments contained in the annex will be considered to be cancelled. However, such amendments may be reintroduced at a later stage, see paragraph US.15.

US.07 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see paragraphs 57 and 58 of the General Part of this Volume). If the translation furnished to the USPTO was incomplete, see the preceding paragraph.

35 USC 371(d)
37 CFR 1.495(b)
1.6(d)(3)
1.8(a)(2)(i)(F)

US.08 PAYMENT OF NATIONAL FEE. The basic national fee must be paid within the time limit applicable under PCT Article 22 or 39(1) which is 30 months after the priority date. The applicable time limit may not be extended. If the basic national fee is not paid within the applicable time period, the application becomes abandoned as to the United States. An authorization to charge the basic national fee to a deposit account, credit card or any other means may NOT be submitted by facsimile.

37 CFR 1.75(c)
37 CFR 1.492(b),
(c) and (d)

US.09 ADDITIONAL CLAIMS FEE. The number of additional claims for fee purposes must be computed on the basis of the claims valid at the beginning of the national phase (that is, where amendments have been filed, the claims as amended under PCT Article 19 or PCT Rule 66.1, 66.3 and 66.4 or the claims as submitted in a preliminary amendment by the applicant upon entering the national phase under PCT Article 28 or 41). Where the applicant fails to pay the correct amount of the additional claims fee, the USPTO will invite him to pay the missing amount at the current fee amount.

37 CFR 1.27
1.28
1.492(a)
to (e)

US.10 FEE REDUCTION FOR "SMALL ENTITY". Applicants having a "small entity" status are entitled to a reduction in certain fees. "Small entity" status can be established by a single written assertion of entitlement to "small entity" status without use of a specialized form. However, "small entity" status may be established by checking the box provided on the form for entering the national phase (See Annex US.II) referred to in paragraph US.03. Parties who may assert "small entity" status include a registered practitioner, one of the inventors, or a partial assignee (an assignee assertion of small entity status must be filed by a 37 CFR 1.33(b) party.) "Small entity" status may also be established by payment of any exact basic national fee (37 CFR 1.492(a)(1) – (a)(5)). Assertion of small entity status requires a determination of entitlement to that status. See 37 CFR 1.27 and Annex US.V.

37 CFR 1.23

US.11 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex US.I.

35 USC 371(c)(4)
and (d)
37 CFR 1.497
1.495(c)

US.12 OATH OR DECLARATION OF THE INVENTOR. For details, see the sample of such declaration in Annex US.III. Legalization of signatures under the declaration is not required. If the applicant pays the basic national fee and a copy of the international application has been received within the applicable time limit under PCT Article 22 or 39(1), but an oath or declaration of the inventor has not been furnished, a notice is sent to the applicant which sets a time period for furnishing the oath or declaration. The applicant can then furnish the oath or declaration provided that a surcharge is paid. The amount of the surcharge is indicated in Annex US.I. The time period set in the notice will be two months from the date of the notice or 32 months from priority date, whichever is later. The period set in the notice is extendable as provided for in 37 CFR 1.136 (a) See paragraph US.24(i).

37 CFR 1.31
1.33(a)

US.13 POWER OF ATTORNEY. No representation of the applicant by an attorney or agent is required, but where an attorney or agent is to represent an applicant, a power of attorney signed by the applicant/inventor to an attorney or agent registered to practice before the USPTO

is required. A sample power of attorney form is included in Annex US.III. It is highly advisable to be represented by an attorney or agent.

37 CFR 1.56
1.97
to 1.98

US.14 INFORMATION DISCLOSURE STATEMENT. The applicant must (to be prudent) file, not later than three months from performing the acts for entering the national phase, an information disclosure statement. Such statement to the USPTO must disclose all information of which the applicant, or any other person substantively involved with the preparation of the application or its prosecution, is aware which is material to the patentability of the invention. Such information is material to patentability when it is not cumulative to information already of record in the application, and (1) it establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in (i) opposing an argument of unpatentability relied upon by the Office, or (ii) asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable by the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the description, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

The information disclosure statement must include:

- (i) a listing (preferably on Form PTO/SB/08, see Annex US.VII) of patents, applications, publications or other information,
- (ii) a legible copy of each listed item, and
- (iii) for each item listed which is not in the English language, a concise explanation of its relevance.

Applicants may also file an information disclosure statement via the Office's electronic filing system (EFS) by (1) entering the references' citation information in a fillable electronic form equivalent to the revised Form PTO/SB08/A by using EFS software; and (2) transmitting the fillable electronic form data to the Office via EFS. This electronic EFS form currently allows only citation for U.S. patents and U.S. patent application publications. If any reference to an international application, foreign patent documents, non-patent literature documents or unpublished U.S. applications are to be cited, then applicants must continue to submit those citations on a separate conventional Form PTO/SB08 (or equivalent form) with a printed copy of each cited international application, foreign patent document, non-patent literature document and unpublished U.S. application.

Note, however, that the examiner will consider the documents cited in the international search report in a PCT national stage application when the Form PCT/DO/EO/903 (which is sent to notify the applicant after he has entered the national phase of the acceptance of the international application under 35 U.S.C. 371) indicates that both the international search report and the copies of the prior art documents are present in the national stage file. (Note also that this will only be in certain cases where the European Patent Office (EPO), the Japan Patent Office (JPO) or the United States Patent and Trademark Office (USPTO) has acted as International Searching Authority). In such a case, the examiner will consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered. There is no requirement that the examiner list the documents on a Notice of References Cited (Form PTO-892). In order to have these prior art documents printed on any resulting patent, the applicant must provide a separate listing (preferably on Form PTO/SB/08). If Form PCT/DO/EO/903 does not indicate that both the international search report and copies of the prior art documents are present in the national stage file, the applicant must follow the procedures set forth in 37 CFR 1.97 and 1.98 (concerning the filing and content of information disclosure statements), as outlined above, in order to ensure that the examiner considers the documents cited in the international search report.

A translation into English of the pertinent portions in a non-English language document must be transmitted if an existing translation is readily available to the applicant. Any additional information material to the claimed invention which becomes available after the transmittal of the statement should, within three months of its availability, be submitted by a supplemental

information disclosure statement. Failure to disclose completely any pertinent information may result in any resulting U.S. patent based on the application being unenforceable. A fee is generally required if an information disclosure statement is submitted more than three months after entry to the national stage and after a first Office action is mailed, but before a final Office action or a notice of allowance is issued. After a final Office action or a notice of allowance has been issued, a fee, as well as an appropriate statement under 37 CFR 1.97(e), will be required to have an information disclosure statement considered.

PCT Art. 28

US.15 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may make the following amendments (for manner of making amendments, see Annex US.IV), provided no new matter is introduced in the disclosure of the invention:

35 USC 133
37 CFR 1.111
to 1.127

(i) before the final decision of the USPTO to grant or to reject the patent, the applicant may file amendments to the description, claims and drawing(s) of his own volition or when specifically required by the examiner;

37 CFR 1.116

(ii) after the final decision, amendments may be made only by cancelling claims or complying with any requirement of form which has been made by the examiner, or by presenting rejected claims in better form for reconsideration on appeal.

37 CFR 1.18

US.16 FEE FOR GRANT. A patent issue fee and any required publication fee must be paid within a nonextendable period of three months after the mailing of a written notice of allowance. The amount of the said fee is indicated in Annex US.I.

37 CFR 1.20

US.17 MAINTENANCE FEES. After a patent has been issued, a fee must be paid for maintaining the patent in force beyond four years after grant. The first such fee is due by three years and six months after issue of the patent. Where the applicant failed to pay within that time limit, he may receive an invitation to pay from the USPTO. Lack of receipt of such an invitation will not be accepted as an excuse for non-payment of the maintenance fee. Payment can then still be made together with a surcharge within the six months following the due date. The amount of the maintenance fees, of the surcharge, and their due dates are indicated in Annex US.I. Payment of maintenance fees is only required for patents issuing on international applications filed on or after December 12, 1980.

35 USC 363
102(e)

US.18 PRIOR ART EFFECT. Patents issued directly, or indirectly from international applications filed before 29 November 2000 may only be used as prior art based on the provision of 35 U.S.C. 102(e) in effect before 29 November 2000. Thus, the date of such prior art patent is the earliest of the date the applicant submitted the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) (i.e., basic national fee, copy of the international application, translation of the international application and the oath or declaration of the inventor) or the filing date of the later-filed U.S. continuing application that claimed the benefit of the international application. Publications of international applications filed before 29 November 2000 do not get a 35 U.S.C 102(e) date at all.

Patents and publications of international applications filed on or after 29 November 2000 which designated the United States and published in English under PCT Article 21(2) will have a prior art date as of the international filing date of the international applications (or earlier relied upon U.S. filing date). If the international application did not designate the US, a patent may not claim benefit to the international application under 35 U.S.C. 120. If the international application published in a language other than English, the patent or publication is not entitled to a 35 U.S.C. 102(e) date. In the latter two situations, the publication of the international application under the Treaty may be used as prior art as the international publication date under 35 U.S.C. 102(a) or (b).

US.19 The prior art effect of a patent issued directly, or indirectly from an international application and/or published application is not to be confused with the effects of an international application or of a patent issued directly, or indirectly from an international application and/or published application for other purposes and the operative dates of those effects. For example, the international filing date or, where the priority of an earlier application was validly claimed, the filing date of the earlier application may be used in the following situations (by no means

exhaustive listing):

(i) in determining whether a patent will be granted for the subject matter claimed in the international application,

35 USC 251

(ii) in determining, in respect of a reissue application, whether a reissue patent will be granted to the proprietor of a US/PCT patent for subject matter disclosed but not claimed in the US/PCT patent,

(iii) in determining, in interference proceedings, the priority of a US/PCT patent.

PCT Art. 23(2)
35 USC 371(f)

US.20 EARLY START OF NATIONAL PHASE BEFORE THE USPTO. If the applicant desires the examination by the USPTO of his application to start earlier than the expiration of the time limit applicable under PCT Article 22 or 39(I), he must file in writing an express request therefor and submit the basic national fee, a copy of the international application, a translation of the international application (if required) and an oath or declaration of the inventor. The express request may be accomplished, for example, by checking the appropriate box on the suggested transmittal letter referred to in paragraph US.03 and reproduced in Annex US.II.

35 USC 111
120
365(c)
371(c)
37 CFR 1.76
1.78(a)
1.495(h)

US.21 CONTINUATION OR CONTINUATION-IN-PART. The applicant may—instead of performing the acts for entering the national phase—file a continuation or continuation-in-part application (hereinafter referred to as “the continuing application”), provided the international application designates the United States and is not (considered) withdrawn or abandoned at the time of filing the continuing application. An international application is considered abandoned after the expiration of the time limit applicable under PCT Article 22 or 39(I), which is 30 months after the priority date, if a copy of the international application and the basic national fee have not been received in the USPTO within the applicable time limit. When the basic national fee has been paid and a copy of the international application has been communicated by the International Bureau within the time limit applicable under PCT Article 22 or 39(I), but no proper English translation, or oath or declaration has been received, a notice will be sent to the applicant to furnish a proper translation and/or an oath or declaration of the inventor which complies with 37 CFR 1.497(a) and (b). If the applicant does not properly respond to the notice within the period set by the USPTO, the international application will become abandoned. Basically, the normal procedure for filing continuing applications applies. The applicant must claim the benefit of the international filing date of the international application designating the United States of America. The first sentence of the description following the title must contain a reference to the international application, identifying it by the international application number and the international filing date, and indicate the relationship of the applications, unless such information has been included in an application data sheet (the use of an application data sheet is optional). This reference to the international application must be submitted during the pendency of the continuing application, and within the later of four months from the actual filing date of the continuing application or sixteen months from the filing date of the international application. This time period is not extendable. The USPTO may require the filing of a certified copy of the international application together with a translation thereof into English where it was filed in another language. The continuing application may be filed in a language other than English, provided a translation into English is furnished together with a surcharge (see Annex US.I) within the time limit fixed by the USPTO in an invitation. Where, at the time of filing the continuing application, the basic filing fee has not been paid or the oath or declaration of the inventor has not been furnished, the requirement may still be complied with against payment of a surcharge within the time limit fixed by the USPTO in an invitation. Use of the transmittal letter reproduced in Annex US.II is not appropriate for the filing of a continuing application.

PCT Art. 25
PCT Rule 51
35 USC 367
37 CFR 1.182

US.22 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume. If, upon review under PCT Article 25, the USPTO finds no error or omission on the part of the receiving Office or the International Bureau, a petition may be taken to the Commissioner of the USPTO, which must contain a statement of the facts involved and the point or points to be reviewed and the action requested. The fee for petition indicated in Annex US.I must be paid at the same time. Any such petition not filed within two months from the action complained of may be dismissed as untimely.

PCT Art. 48(2)
PCT Rule 82bis
37 CFR 1.137

US.23 EXCUSE OF DELAYS IN MEETING TIME LIMITS. An application abandoned for failure to comply with a time limit during the international phase or for failure to prosecute within a statutory time period before the USPTO, may be revived as a pending application if it is shown to the satisfaction of the USPTO that the delay was unavoidable or unintentional. Any petition to revive an abandoned application must be filed in writing and accompanied by a petition fee, the amount of which is indicated in Annex US.I, by a proper response to the failed action unless such response has been previously submitted and, where the delay was unavoidable, by an explanation of the causes of the delay. An explanation must be in the form of a written and signed statement by the applicant and/or any other third person involved in the causes of the delay.

US.24 The United States rules provide for two distinct procedures to extend the period for action or response in particular situations (the procedure which is available for use in a particular situation will depend upon the circumstances):

37 CFR 1.136

(i) 37 CFR 1.136(a) permits an applicant, against payment of an extension fee (see Annex US.I), to file a petition for extension of time up to five months after the end of the time period set to take action except (1) where excluded, (2) in interference proceedings, (3) where the applicant has been notified otherwise in an Office action or (4) where no further time is available under a set statutory period. The petition and fee can be filed prior to or with or after the response but the fee must be paid within the time extended. The filing of the petition and fee will extend the time period to take action up to five months dependent on the amount of the fee paid except in those circumstances noted above. The time limit to furnish the basic national fee and a copy of the international application under 37 CFR 1.495 may not be extended.

(ii) After entry into the national phase, 37 CFR 1.136(b) provides for petitions for extensions of time of shortened statutory or non-statutory time periods upon a showing of sufficient cause when the procedure of 37 CFR 1.136(a) is not available and if additional time is still available under a shortened statutory period or if no statutory period applies.

Although the petition and fee procedure of 37 CFR 1.136(a) will normally be available within five months after a set period for response has expired, an extension request for cause under 37 CFR 1.136(b) must be filed during the set period for response. The amount of the petition fee is indicated in Annex US.I.

37 CFR 3.21
3.28
3.31

US.25 RECORDING OF ASSIGNMENT DOCUMENTS. The USPTO will record assignments relating to international patent applications which designate the United States. The assignment must identify the application by the international application number. Each document submitted for recording must be accompanied by a cover sheet referring to the international application. A sample recordation form cover sheet is contained in Annex US.VI. Each cover sheet must contain:

- 1) the name of the party conveying the interest;
- 2) the name and address of the party receiving the interest;
- 3) a description of the interest conveyed or transaction to be recorded;
- 4) the application number;
- 5) the name and address of the party to whom correspondence concerning the request to record the document should be mailed;
- 6) the number of applications, patents or registrations identified in the cover sheet and the total fee;

- 7) the date the document was executed;
- 8) a statement by the party submitting the document that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original document; and
- 9) the signature of the party submitting the document.

37 CFR 1.211
1.213
1.221

US.26 PUBLICATION OF APPLICATIONS. Effective for applications filed on or after November 29, 2000 or in applications for which applicants request voluntary publication. Each international application in compliance with 35 U.S.C. 371 and continuing application (see paragraph US.21) from an international application will be published promptly after the expiration of eighteen months from the earliest filing date for which a benefit is sought, unless the application (1) is no longer pending; (2) subject to national security provisions; (3) has issued as a patent; or (4) was filed with a nonpublication request in compliance with 37 CFR 1.213(a). (A nonpublication request may not be filed if the international application designated any States in addition to or other than the United States of America.) The publication fee (see Annex US.I) must be paid before the patent will be granted. If the application is not published under this section, the publication fee (if paid) will be refunded.

35 U.S.C. 154(d)
37 CFR 1.417

US.27 PROVISIONAL RIGHTS. Effective November 29, 2000, 35 U.S.C. 154(d) provides for provisional rights based on international applications. A patent will include the right to obtain a reasonable royalty from any person who partakes of any of the actions listed in 35 U.S.C. 154(d)(1) during the period commencing on the date of the publication under PCT Article 21(2)(a) of the international application designating the United States of America, if the publication is in English, or if the publication is in a language other than English, on the date the USPTO receives a translation of the publication in the English language, and ending on the date the patent is issued. The submission of the international publication or an English language translation of the international application pursuant to 35 U.S.C. 154(d)(4) must clearly identify the international application to which it pertains (37 CFR 1.5(a)) and, unless it is being submitted pursuant to 37 CFR 1.495, be clearly identified as a submission pursuant to 35 U.S.C. 154(d)(4). Otherwise, the submission will be treated as a filing under 35 U.S.C. 111(a). Such submissions should be marked "Mail Stop PCT."

FEES¹**(Currency: US dollar)****National fee²**

Basic national fee (37 CFR 1.492(a)):

— where a preliminary examination fee has been paid on the international application to the USPTO	750	(375) ³
— where no preliminary examination fee has been paid to the USPTO, but a search fee has been paid on the international application to the USPTO as an International Searching Authority	790	(395) ³
— where no preliminary examination fee and no search fee has been paid on the international application to the USPTO and no international search report has been prepared by the European Patent Office or the Japan Patent Office	1,100	(555) ³
— where an international search report has been prepared by the European Patent Office or the Japan Patent Office	950	(475) ³
— where the international preliminary examination report prepared by the USPTO states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all the claims presented in the international application entering the national phase	100	(50) ³
Additional claims fee, where there are more than three claims in independent form, for each independent claim in excess of 3 (37 CFR 1.492(b))	88	(44) ³
Additional claims fee, where there are more than 20 claims (whether in independent or dependent form), for each claim in excess of 20 (37 CFR 1.492(c))	18	(9) ³
A multiple dependent claim fee, where the application contains one or more multiple dependent claim(s), per application (37 CFR 1.492(d))	300	(150) ³
In computing the claims fee, a multiple dependent claim is to be treated as if it were the same number of separate claims as the number of claims on which it depends; the same applies to any claim depending from a multiple dependent claim (e.g., a claim depending on three claims requires a fee of three dependent claims).		
Surcharge for filing oath or declaration later than the time limit applicable under PCT Article 22 or 39(1) (37 CFR 1.492(e))	130	(65) ³
Processing fee for filing English translation of an international application after the time limit applicable under PCT Article 22 or 39(1) (37 CFR 1.492(f))	130	

Reductions of the national fee

Reductions of the national fee are indicated under the national fees listed above.

¹ The amounts of these fees change periodically. The United States Patent and Trademark Office or the *Official Gazette of the United States Patent and Trademark Office—Patents* available at: <http://www.uspto.gov/web/offices/com/sol/og/index.html> should be consulted for the applicable amounts.

² A national fee calculation sheet appears in Annex US.II.

³ The amount in parentheses is applicable in case of filing by a “small entity.” “Small entity” status can be established by a simple written assertion of entitlement to “small entity” status, or by payment of the exact amount of one of the “small entity” basic national fees set forth in 37 CFR 1.492(a)(1) to (5) (see 37 CFR 1.27, paragraph US.10 and Annex US.V).

Other fees

Publication fee (37 CFR 1.18(d))	300	
Patent issue fee (37 CFR 1.18(a))	1,370	(685) ⁴
Maintenance fees: ⁵		
— for maintaining patent in force beyond four years (due by three years and six months after grant) (37 CFR 1.20 (e))	940	(470) ⁴
— for maintaining patent in force beyond eight years (due seven years and six months after grant) (37 CFR 1.20 (f))	2,150	(1,075) ⁴
— for maintaining patent in force beyond 12 years (due by 11 years and six months after grant) (37 CFR 1.20 (g))	3,320	(1,660) ⁴

Patent application processing fees

Extension fee for response pursuant to 37 CFR 1.136(a):		
— within first month (37 CFR 1.17(a)(1))	110	(55) ⁴
— within second month (37 CFR 1.17(a)(2))	430	(215) ⁴
— within third month (37 CFR 1.17(a)(3))	980	(490) ⁴
— within fourth month (37 CFR 1.17(a)(4))	1,530	(765) ⁴
— within fifth month (37 CFR 1.17 (a)(5))	2,080	(1,040) ⁴
Submission of information disclosure statement pursuant to 37 CFR 1.97(c) and (d) (1.17(p))	180	

For filing a petition to the Commissioner

Petition fee:		
— for correction of inventorship (37 CFR 1.48) (37 CFR 1.17(i))	130	
— for filing an oath or declaration pursuant to 35 U.S.C. 371 (c)(4) naming an inventor different from the inventor set forth in the international stage (37 CFR 1.497(d)) (37 CFR 1.17(i))	130	
— for filing by other than all inventors or a person who is not the inventor (37 CFR 1.47) (37 CFR 1.17(h))	130	
— for decisions on questions not specifically provided for (37 CFR 1.182) (37 CFR 1.17(h))	130	
— to suspend the rules (37 CFR 1.183) (37 CFR 1.17(h))	130	
— for the revival of an unavoidably abandoned application under 37 CFR 1.137(a) (37 CFR 1.17(l))	110	(55) ⁴
— for revival of an unintentionally abandoned application under 37 CFR 1.137(b) (37 CFR 1.17(m))	1,370	(685) ⁴
— for entry of late priority documents (37 CFR 1.55) (37 CFR 1.17(i))	130	
— for unavoidably delayed payment of the issue fee under 35 U.S.C. 151 (37 CFR 1.17(l))	110	(55) ⁴
— for unintentionally delayed payment of the issue fee under 35 U.S.C. 151 (37 CFR 1.17(m))	1,370	(685) ⁴

How can payment of fees be effected?

All payments must be made in US dollars.

⁴ See footnote 3 on page 1 of this Annex.

⁵ Maintenance fees are payable for international applications filed on or after 12 December 1980. Check the USPTO *Official Gazette of the United States Patent and Trademark Office—Patents* available at <http://www.uspto.gov/web/offices/com/sol/og/index.html> for current amounts of the maintenance fees at the time payment is due.

Any payment may be effected by:

- cash payment (37 CFR 1.23)
- United States Postal Service money order (37 CFR 1.23)
- check (37 CFR 1.23)
- USPTO deposit account (37 CFR 1.25)
- credit card (37 CFR 1.23(b)).

Money orders and checks must be payable in United States dollars to the “Commissioner of Patents and Trademarks.” Remittance from foreign countries must be payable and immediately negotiable in the United States of America for the full amount of the fee required. Cash sent by mail will be at the risk of the sender; letters containing cash should be registered. All payments must indicate the complete application number, the name of applicant and the type of fee being paid.

Payment for all fees may be made by using one of the following credit cards: MasterCard, VISA, American Express and Discover. Payment using a debit card or check card will **not** be accepted. Applicants making payments by credit card should use form PTO-2038 contained in this Annex. Blanket authorizations of payments to credit cards will not be accepted. The fee amount must be specified. Credit card authorization may be used only one time. Subsequent charges will require a new authorization.

For information concerning electronic transfer of funds to the USPTO, please contact Dale Hughes, Office of Finance at (703) 306-2837 or (703) 305-8051; fax (703) 305-8007. Applicants choosing to pay by electronic transfer should insure that the *full amount of the fee due* is received by the USPTO. There is a danger of loss of rights if bank charges are deducted.

United States Patent and Trademark Office

Instructions for Completing the Credit Card Payment Form

Credit Card Information

- Enter all credit card information including the payment amount to be charged to your credit card and remember to sign the form. The United States Patent and Trademark Office (USPTO) cannot process credit card payments without an authorized signature.
- The USPTO does **not** accept debit cards or check cards that require use of a personal identification number as a method of payment.

Credit Card Billing Address

- Address information is required for credit card payment as a means of verification. Failure to complete the address information, including zip/postal code, may result in the payment not being accepted by your credit card institution.

Request and Payment Information

- Provide a description of your request based on the payment amount. For example, indicate the item as “basic filing fee” (patent) *or* “first maintenance fee” (patent maintenance fee) or “application for registration” (trademark) *or* “certified copy of a patent” (other fee).
- Indicate the nature of your request by the type of fee you wish to pay: Patent Fee, Patent Maintenance Fee, Trademark Fee or Other Fee. Complete information for each type of fee as applicable to identify the nature of your request. Indicate only one type of fee per form.
- If you are requesting and paying a fee based on a previously filed patent or trademark application, indicate the application/serial number, patent number or registration number that is associated with your request. “Other Fee” is used to request copies of patent and trademark documents, certified copies, assignments, and other information products.
- IDON numbers are assigned by the USPTO for customers ordering patent and trademark information and products specified as “Other Fee” on the order form. If you have been assigned an IDON number from a previous customer order, include it with your request.
- For more information on USPTO fees and amounts, refer to the current fee schedule at <http://www.uspto.gov>. To request a copy by mail, contact the USPTO General Information Services Division at (800) 786-9199 or (703) 308-4357.

Important Information

- The USPTO will not include the Credit Card Payment Form among the patent or trademark records open for public inspection. Failure to use the Credit Card Payment Form when submitting a credit card payment may result in the release of your credit card information.
- Information on mailing addresses is available at <http://www.uspto.gov> (click-on the “Site Index” tab, “Mailing Addresses” link). You may also contact the USPTO General Information Services Division for additional information, or to request a copy of the *Basic Facts about Patents* or *Basic Facts about Trademarks* information booklet by calling (800) 786-9199 or (703) 308-4357.

PTO-2038 (02-2003)

Approved for use through 02/28/2006. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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United States Patent and Trademark Office

Credit Card Payment Form

Please Read Instructions before Completing this Form

Credit Card Information			
Credit Card Type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express <input type="checkbox"/> Discover			
Credit Card Account #:			
Credit Card Expiration Date:			
Name as it Appears on Credit Card:			
Payment Amount: \$ (US Dollars):			
Cardholder Signature:			Date:
<small>Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged. Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21 (m)).</small>			
Credit Card Billing Address			
Street Address 1:			
Street Address 2:			
City:			
State/Province:		Zip/Postal Code:	
Country:			
Daytime Phone #:		Fax #:	
Request and Payment Information			
Description of Request and Payment Information:			
<input type="checkbox"/> Patent Fee Application No. Patent No. Attorney Docket No.	<input type="checkbox"/> Patent Maintenance Fee Application No. Patent No.	<input type="checkbox"/> Trademark Fee Application No. Registration No. Identify or Describe Mark	<input type="checkbox"/> Other Fee IDON Customer No.

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

United States Patent and Trademark Office

Instructions for Completing the Credit Card Payment Form

Paperwork Reduction Act Statement

This Credit Card Payment Form (PTO-2038) is approved for use through 02/28/2006 under OMB Control Number 0651-0043. This collection of information is required by 15 U.S.C. § 1113 or 35 U.S.C. § 41 and 37 CFR 1.16-1.28, 1.492, or 2.6-2.7. The information must be provided by a member of the public if he or she chooses to pay a USPTO fee by credit card. This information is also used by the USPTO to charge the appropriate fee amount to the appropriate credit card account. This collection is estimated to take two minutes to complete, including gathering and preparing information and submitting the Credit Card Payment Form (PTO-2038) to the USPTO. Time will vary depending upon the individual case. Please send any comments on the amount of time required to complete this form and/or suggestions for reducing the time burden to the Chief Information Officer, USPTO, PO Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. PLEASE REFER TO THE USPTO WEBSITE, UNDER THE "SITE INDEX" TAB, "MAILING ADDRESSES" LINK FOR THE CORRECT MAILING ADDRESS.**

Privacy Act Advisory Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the request for information solicited on the Credit Card Payment Form (PTO-2038). Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the authority for the collection of this information is 15 U.S.C. § 1113 or 35 U.S.C. § 41 and 37 CFR 1.16-1.28, 1.492, or 2.6-2.7; (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the USPTO is to charge the appropriate fee amount to the appropriate credit card account. If you do not furnish the requested information, the USPTO may not be able to charge the fee to the credit card or the credit card institution may refuse to accept the charge, either of which will result in the fee being treated as not having been paid.

The information provided by you in this form will be subject to the following routine uses:

- (1) The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552(a)). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- (2) A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- (3) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.
- (4) A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform the contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).
- (5) A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. § 2904 and § 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

PTO-1390 (Rev. 10-2004)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
TITLE OF INVENTION		
APPLICANT(S) FOR DO/EO/US		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER			
21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1 0.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS		PTO USE ONLY	
				\$			
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$			
Total claims	- 20 =		X \$18.00	\$			
Independent claims	- 3 =		X \$8.00	\$			
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 0.00	\$			
TOTAL OF ABOVE CALCULATIONS =				\$			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$			
SUBTOTAL =				\$			
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$			
TOTAL NATIONAL FEE =				\$			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$			
TOTAL FEES ENCLOSED =				\$			
				Amount to be refunded:	\$		
				Amount to be charged:	\$		
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.							
SEND ALL CORRESPONDENCE TO:							
				_____ SIGNATURE			
				_____ NAME			
				_____ REGISTRATION NUMBER			

PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<p>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</p> <p><input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)</p>	Attorney Docket Number	
	First Named Inventor	
	<i>COMPLETE IF KNOWN</i>	
	Application Number	
	Filing Date	
	Art Unit	
	Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input style="width: 100px;" type="text"/>				OR <input type="checkbox"/> Correspondence address below			
Name							
Address							
City			State		ZIP		
Country		Telephone		Fax			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature					Date		
Residence: City		State	Country		Citizenship		
Mailing Address							
City		State		ZIP	Country		
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature					Date		
Residence: City		State	Country		Citizenship		
Mailing Address							
City		State		ZIP	Country		
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.							

PTO/SB/02A (08-03)

Approved for use through 08/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
	Page ----- of -----

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	
	Filing Date	
	First Named Inventor	
	Title	
	Art Unit	
	Examiner Name	
	Attorney Docket Number	

I hereby appoint:

Practitioners associated with the Customer Number:

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name			
Signature			
Date	Telephone		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MANNER OF MAKING AMENDMENTS IN APPLICATIONS (37 CFR 1.121)

(a) *Amendments in applications, other than reissue applications.* Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with Sec. 1.52, directing that specified amendments be made.

(b) *Specification.* Amendments to the specification, other than the claims, computer listings (Sec. 1.96) and sequence listings (Sec. 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph.*

Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

(2) *Amendment by replacement section.* If the sections of the specification contain section headings as provided in Secs. 1.77(b), 1.154(b), or 1.163(c), amendments to the specification, other than the claims, may be made by submitting:

(i) A reference to the section heading along with an instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section; and

(ii) A replacement section with markings to show all changes relative to the previous version of the section. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

(3) *Amendment by substitute specification.* The specification, other than the claims, may also be amended by submitting:

(i) An instruction to replace the specification; and

(ii) A substitute specification in compliance with Secs. 1.125(b) and (c).

(4) *Reinstatement of previously deleted paragraph or section.* A previously deleted paragraph or section may be reinstated only by a subsequent amendment adding the previously deleted paragraph or section.

(5) *Presentation in subsequent amendment document.* Once a paragraph or section is amended in a first amendment document, the paragraph or section shall not be re-presented in a subsequent amendment document unless it is amended again or a substitute specification is provided.

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).¹

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1 – 5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn – currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, i.e., without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

(d) *Drawings.* One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with Sec. 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the header, labeled “Replacement Sheet.” Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. All changes to the drawing(s) shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as “Annotated Marked-up Drawings” and must be presented in the amendment or remarks section that explains the change to the drawings.

¹ During the national stage (pursuant to 35 U.S.C. 371), amendments rules under section 1.121 apply to preliminary amendments and subsequent amendments. In an amendment under section 1.121, the status identifier “original” must be used for claims that had been presented on the international filing date and not modified or canceled. The status identifier “previously presented” must be used to in any amendment submitted during the national stage for any claims added or modified under PCT Articles 19 or 34 in the international stage that were subsequently entered in the national stage. The status identifier “canceled” must be used in any amendment submitted during the national stage for any claims canceled under an Article 19 or 34 amendment in the international stage and subsequently entered in the national stage.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

(e) *Disclosure consistency.* The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspondence between the claims, the remainder of the specification, and the drawings.

(f) *No new matter.* No amendment may introduce new matter into the disclosure of an application.

(g) *Exception for examiner's amendments.* Changes to the specification, including the claims, of an application made by the Office in an examiner's amendment may be made by specific instructions to insert or delete subject matter set forth in the examiner's amendment by identifying the precise point in the specification or the claim(s) where the insertion or deletion is to be made. Compliance with paragraphs (b)(1), (b)(2), or (c) of this section is not required.

(h) *Amendment sections.* Each section of an amendment document (*e.g.*, amendment to the claims, amendment to the specification, replacement drawings, and remarks) must begin on a separate sheet.

(i) *Amendments in reissue applications.* Any amendment to the description and claims in reissue applications must be made in accordance with Sec. 1.173.

(j) *Amendments in reexamination proceedings.* Any proposed amendment to the description and claims in patents involved in reexamination proceedings must be made in accordance with Sec. 1.530.

(k) *Amendments in provisional applications.* Amendments in provisional applications are not usually made. If an amendment is made to a provisional application, however, it must comply with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered.

SUBSTITUTE SPECIFICATION
(37 CFR 1.125)

(a) If the number or nature of the amendments of the legibility of the application papers renders it difficult to consider the application, or to arrange the papers for printing or copying, the Office may require the entire specification, including the claims, or any part of thereof be rewritten.

(b) Subject to Sec. 1.312, a substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by a statement that the substitute specification includes no new matter.

(c) A substitute specification submitted under this section must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

SMALL ENTITY¹

Definition of small entities and establishing status as a small entity to permit payment of small entity fees; when a determination of entitlement to small entity status and notification of loss of entitlement to small entity status are required; fraud on the Office (37 CFR 1.27)

(a) *Definition of small entities.* A small entity as used in this chapter means any party (person, small business concern, or nonprofit organization) under paragraphs (a)(1) through (a)(3) of this section.

(1) *Person.* A person, as used in paragraph (c) of this section, means any inventor or other individual (e.g., an individual to whom an inventor has transferred some rights in the invention), who has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention. An inventor or other individual who has transferred some rights, or is under an obligation to transfer some rights in the invention to one or more parties, can also qualify for small entity status if all the parties who have had rights in the invention transferred to them also qualify for small entity status either as a person, small business concern, or nonprofit organization under this section.

(2) *Small business concern.* A small business concern, as used in paragraph (c) of this section, means any business concern that:

(i) Has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person, concern, or organization which would not qualify for small entity status as a person, small business concern, or nonprofit organization.

(ii) Meets the standards set forth in 13 CFR part 121 to be eligible for reduced patent fees. Questions related to standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, S.W., Washington, D.C. 20416.

(3) *Nonprofit Organization.* A nonprofit organization, as used in paragraph (c) of this section, means any nonprofit organization that:

(i) Has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person, concern, or organization which would not qualify as a person, small business concern, or a nonprofit organization, and

(ii) Is either:

(A) A university or other institution of higher education located in any country;

(B) An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a));

(C) Any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or

(D) Any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (a)(3)(ii)(B) of this section or (a)(3)(ii)(C) of this section if it were located in this country.

(4) *License to a Federal agency.*

¹ The Small Business Administration can be reached at <http://www.sba.gov> or by calling 1-800-8ASK-SBA (1-800-827-5722).

(i) For persons under paragraph (a)(1) of this section, a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license so as to prohibit claiming small entity status.

(ii) For small business concerns and nonprofit organizations under paragraphs (a)(2) and (a)(3) of this section, a license to a Federal agency resulting from a funding agreement with that agency pursuant to 35 U.S.C. 202(c)(4) does not constitute a license for the purposes of paragraphs (a)(2)(i) and (a)(3)(i) of this section.

(b) *Establishment of small entity status permits payment of reduced fees.* A small entity, as defined in paragraph (a) of this section, who has properly asserted entitlement to small entity status pursuant to paragraph (c) of this section will be accorded small entity status by the Office in the particular application or patent in which entitlement to small entity status was asserted. Establishment of small entity status allows the payment of certain reduced patent fees pursuant to 35 U.S.C. 41(h).

(c) *Assertion of small entity status.* Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.

(1) *Assertion by writing.* Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

(i) Be clearly identifiable;

(ii) Be signed (see paragraph (c)(2) of this section); and

(iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement.

(2) *Parties who can sign and file the written assertion.* The written assertion can be signed by:

(i) One of the parties identified in Sec. 1.33(b) (e.g., an attorney or agent registered with the Office), Sec. 3.73(b) of this chapter notwithstanding, who can also file the written assertion;

(ii) At least one of the individuals identified as an inventor (even though a Sec. 1.63 executed oath or declaration has not been submitted), notwithstanding Sec. 1.33(b)(4), who can also file the written assertion pursuant to the exception under Sec. 1.33(b) of this part; or

(iii) An assignee of an undivided part interest, notwithstanding Secs. 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under Sec. 1.33(b) of this part.

(3) *Assertion by payment of the small entity basic filing or basic national fee.* The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in Secs. 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in Secs. 1.492(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.

(i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in Sec. 1.16(e), or Sec. 1.16(l).

(ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent.

(4) *Assertion required in related, continuing, and reissue applications.* Status as a small entity must be specifically established by an assertion in each related, continuing and reissue application in which status is appropriate and desired. Status as a small entity in one application or patent does not affect the status of any other application or patent, regardless of the relationship of the applications or patents. The refiling of an application under Sec. 1.53 as a continuation, divisional, or continuation-in-part application (including a continued prosecution application under Sec. 1.53(d)), or the filing of a reissue application, requires a new assertion as to continued entitlement to small entity status for the continuing or reissue application.

(d) *When small entity fees can be paid.* Any fee, other than the small entity basic filing fees and the small entity national fees of paragraph (c)(3) of this section, can be paid in the small entity amount only if it is submitted with, or subsequent to, the submission of a written assertion of entitlement to small entity status, except when refunds are permitted by Sec. 1.28(a).

(e) *Only one assertion required.* (1) An assertion of small entity status need only be filed once in an application or patent. Small entity status, once established, remains in effect until changed pursuant to paragraph (g)(1) of this section. Where an assignment of rights or an obligation to assign rights to other parties who are small entities occurs subsequent to an assertion of small entity status, a second assertion is not required.

(2) Once small entity status is withdrawn pursuant to paragraph (g)(2) of this section, a new written assertion is required to again obtain small entity status.

(f) *Assertion requires a determination of entitlement to pay small entity fees.* Prior to submitting an assertion of entitlement to small entity status in an application, including a related, continuing, or reissue application, a determination of such entitlement should be made pursuant to the requirements of paragraph (a) of this section. It should be determined that all parties holding rights in the invention qualify for small entity status. The Office will generally not question any assertion of small entity status that is made in accordance with the requirements of this section, but note paragraph (h) of this section.

(g)(1) *New determination of entitlement to small entity status is needed when issue and maintenance fees are due.* Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) *Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due.* Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in Sec. 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate.

(h) *Fraud attempted or practiced on the Office.*

(1) Any attempt to fraudulently establish status as a small entity, or pay fees as a small entity, shall be considered as a fraud practiced or attempted on the Office.

(2) Improperly, and with intent to deceive, establishing status as a small entity, or paying fees as a small entity, shall be considered as a fraud practiced or attempted on the Office.

Refunds when small entity status is later established; how errors in small entity status are excused (37 CFR 1.28)

(a) *Refunds based on later establishment of small entity status.* A refund pursuant to Sec. 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small

entity may only be obtained if an assertion under Sec. 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under Sec. 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

(b) *Date of payment.* (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid;

(2) The date when a deficiency payment is paid in full determines the amount of deficiency that is due, pursuant to paragraph (c) of this section.

(c) *How errors in small entity status are excused.* If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by Sec. 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1) *Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See Sec. 1.4(b).

(2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

(3) *Failure to comply with requirements.* If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in Sec. 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under Sec. 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

(d) *Payment of deficiency operates as notification of loss of status.* Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under Sec. 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼	RECORDATION FORM COVER SHEET PATENTS ONLY	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office						
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.								
1. Name of conveying party(ies): Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Name and address of receiving party(ies) Name: _____ Internal Address: _____ _____ _____ Street Address: _____ _____ City: _____ State: _____ Zip: _____ Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: _____								
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) B. Patent No.(s) Additional numbers attached? <input type="checkbox"/> Yes <input type="checkbox"/> No								
5. Name and address of party to whom correspondence concerning document should be mailed: Name: _____ Internal Address: _____ _____ _____ Street Address: _____ _____ City: _____ State: _____ Zip: _____	6. Total number of applications and patents involved: <input type="text"/> 7. Total fee (37 CFR 3.41).....\$ _____ <input type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: _____ (Attach duplicate copy of this page if paying by deposit account)							
DO NOT USE THIS SPACE								
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <table style="width:100%; border: none;"> <tr> <td style="width:33%; text-align: center;">_____</td> <td style="width:33%; text-align: center;">_____</td> <td style="width:33%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">Name of Person Signing</td> <td style="text-align: center;">Signature</td> <td style="text-align: center;">Date</td> </tr> </table> Total number of pages including cover sheet, attachments, and documents: <input type="text"/>			_____	_____	_____	Name of Person Signing	Signature	Date
_____	_____	_____						
Name of Person Signing	Signature	Date						

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231

Guidelines for Completing Patents Cover Sheets

Cover Sheet information must be submitted with each document to be recorded. If the document to be recorded concerns both patents and trademarks separate patent and trademark cover sheets, including any attached pages for continuing information, must accompany the document. All pages of the cover sheet should be numbered consecutively, for example, if both a patent and trademark cover sheet is used, and information is continued on one additional page for both patents and trademarks, the pages of the cover sheet would be numbered form 1 to 4.

Item 1. Name of Conveying Party(ies).

Enter the full name of the party(ies) conveying the interest. If there is insufficient space, enter a check mark in the “Yes” box to indicate that additional information is attached. The name of the additional conveying party(ies) should be placed on an attached page clearly identified as a continuation of the information Item1. Enter a check mark in the “No” box, if no information is contained on an attached page.

Item 2. Name and Address of Receiving Party(ies).

Enter the name and full address of the first party receiving the interest. If there is more than one party receiving the interest, enter a check mark in the “Yes” box to indicate that additional information is attached. Enter a check mark in the “No” box, if no information is contained on an attached page.

Item 3. Nature of Conveyance.

Place a check mark in the appropriate box describing the nature of the conveying document. If the “Other” box is checked, specify the nature of the conveyance. Enter the execution date of the document. The execution date should be entered in the following format: MM/DD/YYYY.

Item 4. Application Number(s) or Patent Number(s).

Indicate the application number(s), and/or patent number(s) against which the document is to be recorded. National application numbers must include both the series code and a six-digit number; and international application numbers must be complete, e.g., 07/123,456 for national application numbers, and PCTUS91/12345 for international application numbers. Enter a check mark in the appropriate box: “Yes” or “No” if additional numbers appear on attached pages. Be sure to identify numbers included on attached pages as the continuation of Item 4.

Item 5. Name and Address of Party to whom correspondence concerning the document should be mailed.

Enter the name and full address of the party to whom correspondence is to be mailed.

Item 6. Total Applications and Patents involved.

Enter the total number of applications and patents identified for recordation. Be sure to include all applications and patents identified on the cover sheet and on additional pages.

Block 7. Total Fee Enclosed.

Enter the total fee enclosed or authorized to be charged. A fee is required for each application and patent against which the document is recorded.

Item 8. Deposit Account Number.

Enter the deposit account number to authorize charges. Attach a duplicate copy of cover sheet to be used for the deposit charge account transaction.

Item 9. Statement and Signature.

Enter the name of the person submitting the document. The submitter must sign and date the cover sheet, confirming that to the best of the persons knowledge and belief, the information contained on the cover sheet is correct and that any copy of the document is a true copy of the original document. Enter the total number of pages including the cover sheet, attachments, and document.

This collection of information is required by 35 USC 261 and 262 and 15 USC 1057 and 1060. The information is used by the public to submit (and by the USPTO to process) patent and trademark assignment requests. After the USPTO records the information, the records for patent and trademarks, assignments, and other associated documents can be inspected by the public. To view documents recorded under secrecy orders or documents recorded due to the interest of the federal government, a written authorization must be submitted. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the form to the USPTO. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Manager of the Assignment Division, Crystal Gateway 4, Room 310, 1213 Jefferson Davis Highway, Arlington, Va. 22202. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C., 20231.

Privacy Act Statement for Patent Assignment Recordation Form Cover Sheet

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the above request for information. This collection of information is authorized by 35 U.S.C. 1, 2, 261 and E.O. 9424. This information will primarily be used by the USPTO for the recordation of assignments related to patents and patent applications. Submission of this information is voluntary but is required in order for the USPTO to record the requested assignment. If you do not provide the information required on the cover sheet, the assignment will not be recorded, and all documents will be returned to you.

After the information is recorded, the records and associated documents can be inspected by the public and are not confidential, except for documents that are sealed under secrecy orders or related to unpublished patent applications. Assignment records relating to unpublished patent applications are maintained in confidence in accordance with 35 U.S.C. 122. Records open to the public are searched by users for the purpose of determining ownership for other property rights with respect to patents and trademarks.

Routine uses of the information you provide may also include disclosure to appropriate Federal, state, local, or foreign agencies in support of their enforcement duties and statutory or regulatory missions, including investigating potential violations of law or contract and awarding contracts or other benefits; to a court, magistrate, or administrative tribunal in the course of presenting evidence; to members of Congress responding to requests for assistance from their constituents; to the Office of Management and Budget in connection with the review of private relief legislation; to the Department of Justice in connection with a Freedom of Information Act request; to a contractor in the performance of their duties; to the Office of Personnel Management for personnel studies; and to the General Services Administration (GSA) as part of their records management responsibilities under the authority of 44 U.S.C. 2904 and 2906. Such disclosure to GSA shall not be used to make determinations about individuals.

