

Comments With Regard to Filing Paperwork

1. General

- A. Remember - You know the filing date –March 28, 2013, the title, inventor, and attorney docket number.
- B. Check-Plus = 1
Check = 5
Check-Minus = 3
- C. Be careful with regard to who signs a document
App Transmittal, Fee Transmittal = attorney (not firm)
Declaration, Power of Attorney = inventor
- D. Note: You really want to get the filing paperwork right because Partners may judge you by your paperwork. If your paperwork includes errors, they might conclude that you do not pay attention to details, are not focused, or are not a good patent attorney.

2. Application Transmittal

- A. Remember – small entity – check it
- B. Include Title and Filing Date
- C. The correspondence address is to the firm, but you are signing as the patent attorney.

3. Fee Transmittal

- A. VERY IMPORTANT - Always give the PTO permission to charge the deposit account – not just for this filing, but for any needed fee. If you do not, and the PTO decides it needs an additional fee, then it won't ask for it – it will just abandon your application –Yikes! At least 5 people did not do this
- B. Small entity – remember half off on the fee
- C. Remember to enter the total fee at the top of the page
- D. You are signing as the patent attorney.

- E. Some people checked multiple boxes – deposit account, check, and credit card. Only check the box with regard to how you are paying – and at least the ability to charge the Deposit account as a backup.
4. Declaration
- A. Good job – most errors avoided!
 - B. Some people used the Declaration for use with ADS – that’s OK, but only if you are also filing an ADS.
5. Power of Attorney
- A. Some people checked “A power of attorney is submitted herewith” – that would only be if the POA appears on a separate document. Instead you want to check “I hereby appoint...” so that this document itself is the POA.
 - B. Remember that there are several forms – one is signed by the inventor. The other is signed by a corporate officer (this gives power of attorney to the practitioner generally) and then the practitioner submits a copy of the POA with a 3.73(c) statement specifically identifying the application. The PTO does not give POA for a specific application without the 3.73(c) statement. 6 people used the corporate POA, but did not include a 3.73(c).
6. IDS
- A. Number without an IDS = 1
IDS, but no LIFX website = 6 (Those including LIFX = 2)
IDS, but no other websites = 7 (Those including other websites =1)
 - B. An IDS is absolutely necessary to comply with your duty of disclosure. With regard to the LIFX reference, it is likely your closest prior art and really needed to be disclosed. You want to have it in front of the Examiner so that it can’t be used against you later. With regard to the other websites, it is probably better to be on the cautious side and disclose them also.