

# Comments With Regard to Filing Paperwork

## 1. General

- A. Remember - You know the filing date, the title, inventor, and attorney docket number.
- B. Check-Plus = 1  
Check = 4  
Check-Minus = 2  
Incomplete = 1
- C. Be careful with regard to who signs a document  
ADS, Fee Transmittal = attorney (not firm or inventor)  
Declaration, Power of Attorney = inventor  
Corporate POA = corporate officer +3.73(c) signed by attorney
- 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. ADS

- A. Remember – small entity – check it
- B. Include Title and Filing Date
- C. If you are listing the company as the applicant assignee, then there needs to be an assignment. Could list as “Person to whom the inventor is obligated to assign”
- D. Read form carefully. Several people omitted the customer number from areas it should have been mentioned, including the correspondence address.

## 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!

- B. Small entity – remember half off on the fee
  - C. Remember to enter the total fee at the top of the page
  - D. Get the fee right - \$730 for small entity electronic filing
4. Declaration
- A. Good job – most errors avoided!
  - B. Only use one Declaration – either with or without ADS
5. Power of Attorney
- A. 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. Also, you can't execute the 3.73(c) statement without a signed assignment from the inventor.
6. IDS
- A. Congrats! Everyone filed an IDS! An IDS is absolutely necessary to comply with your duty of disclosure.
  - B. Some people made a disclosure of a link to a Fitzpatrick Scale web site. That was a good call.