

Comments With Regard to Filing Paperwork

1. General

- A. 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.

The required documents were:

1. ADS	C + 5=, C=1
2. Fee transmittal	C +3 =, C=3
3. Declaration	C + =6
4. Power of Attorney	C+ = 4, C=0, C- =2
5. IDS	C + 1=, C=2, C- =3

- B. Remember - You know the filing date, the title, inventor, and attorney docket number.
- 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
+ Assignment to company signed by inventor
- D. Signature must be “/name/”
- E. Watch out for corrupted files. One student had several documents that were in a corrupted .pdf file. The PTO will not accept corrupted files.

2. ADS – Overall good!

- A. Remember – small entity – check it
- B. No Applicant info
- C. Use Customer Number
- D. Read form carefully. It dynamically changes

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! BE SURE TO CHECK THE BOX
 - B. Small entity – remember half off on the fee – total \$830
(Additional \$80 reduction if filing electronically – and by your e-signature you are filing electronically)
 - C. Remember to enter the total fee at the top of the page
 - D. Remember claim fees and page fees if needed (pages include spec + figs)

4. Declaration
 - A. Needs to be signed correctly – by inventor
 - B. If filing ADS, use correct Declaration for ADS

5. Power of Attorney
 - A. Everyone used the wrong POA.
Remember that there are several POA forms – only two of them can work with the inventor as the signatory.
 - B. To use the Assignee power of attorney, first there has to be an assignment from the inventor to the Assignee. Then the Assignment to the Assignee is listed on a 3.73(c) form. Only then can a POA signed by the Assignee be effective.

6. IDS
 - A. An IDS is absolutely necessary to comply with your duty of disclosure. Any material omission can seriously impact the enforceability of your patent and it a real issue. Possible Inequitable Conduct and/or Malpractice.

- B. Must include URL for web links in the Invention Disclosure.
 - These are actually probably closer references than the cited patent apps.
 - In practice you would want to disclose every link in the Invention Disclosure as a liability limitation.
 - Also disclose the article
 - C- if no Emotiv link, C if only Emotiv link, C+ if both
- C. Only need IDS fee after first Office Action
- D. Do NOT specify specific sections of the references – what if you are wrong or miss something?
- E. Signed by you – not the inventor