

U.S. PATENT AND TRADEMARK OFFICE DISCLOSURE DOCUMENT PROGRAM

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Under the Disclosure Document Program the Patent Office accepts and preserves, for a period of two years, papers referred to as "Disclosure Documents." These papers may be used as evidence of the dates of conception of inventions.

The Program

A paper disclosing an invention and signed by the inventor or inventors may be forwarded to the Patent Office by the inventor (or by any one of the inventors when there are joint inventors), by the owner of the invention, or by the attorney or agent of the inventor(s) or owner. It will be retained for two years and then be destroyed unless it is referred to in a separate letter in a related patent application within said two years.

A Disclosure Document is not a patent application and the date of its receipt in the Patent Office will not become the effective filing date of any patent application subsequently filed. However, like patent applications, these documents will be kept in confidence by the Patent Office. If patent protection is desired, a patent application should be filed as soon as possible.

This program does not diminish the value of conventional witnessed and notarized records as evidence of conception of an invention, but it should provide a more credible form of evidence than that provided by the popular practice of mailing a disclosure to oneself or another person by registered mail. The program is made available

In addition to the \$10 fee, the Disclosure Document must be accompanied by a stamped, self-addressed envelope and a separate paper in

as a service to those persons desiring to use it.

Content of Disclosure Document

Although there are no restrictions as to content and claims are not necessary, the benefits afforded by a Disclosure Document will depend directly upon the adequacy of the disclosure. Therefore, it is strongly urged that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included. The use or utility of the invention should be described, especially in chemical inventions.

The Disclosure Document must be limited to written matter or drawings on paper or other thin flexible material, such as linen or plastic drafting material, having dimensions or being folded to dimension not to exceed 8 1/2 by 13 inches. Photographs also are acceptable. Each page should be numbered. Text and drawings should be sufficiently dark to permit reproduction with commonly used office copying machines.

A \$10 fee is charged for filing a Disclosure Document. Payment must accompany the Disclosure Document when it is submitted to the Patent Office.

duplicate, signed by the inventor, stating that he or she is the inventor and requesting that the material be received for processing under the Disclosure

Document Program. The papers will be stamped by the Patent Office with an identifying number and date of receipt, and the duplicate request will be returned in the self-addressed envelope together with a warning notice indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired. The inventor's request may take the following form:

"The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years."

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The Disclosure Document will be preserved in the Patent Office for two years after its receipt and will then be destroyed unless it is referred to in a separate letter in a related patent application filed within the two-year period. The Disclosure Document must be referred to in the separate letter by title, number, and date of receipt. Acknowledgment of receipt of such letters will be made in the next official communication or in separate letter from the Patent Office. Unless it is desired to have the Patent Office retain the Disclosure Document beyond the two-year period,

it is not required that it be referred to in a patent application.

Warning as to Limitations

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file a patent application without possible loss of benefits. It should be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application after the filing of the Disclosure Document.

Inventors are also reminded that any public use or sale in the United States, or publication of the invention anywhere in the world, more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on that invention.

If the inventor is not familiar with what is considered to be 'diligence in completing the invention' or 'reduction to practice' under the patent law, or if he or she has other questions about patent matters, the Patent Office advises consulting an attorney or agent registered to practice before the Patent Office. Patent attorneys and agents may be found in the telephone directories of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

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