Quick Start Guide

April 12, 2015



Web-based Application Data Sheet



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1. Introduction

This Quick Start Guide will provide you with the information you need in order to understand how to file a Web-based ADS, including a brief overview of the process and screen shots that identify critical aspects of the submission.

EFS-Web will automatically generate and attach a PDF version of the Web-based ADS.

A more comprehensive guide on how to use EFS-Web can be found at the EFS-Web Guidance and Resources page located at: http://www.uspto.gov/patents-application-process/applying-online/efs-web-guidance-and-resources

2. Basic Guidelines for Filing a Web-based ADS

- You must be able to access EFS-Web.
- The Web-based ADS is available for new applications under the following submission types: Utility and Designs.
- The Web-based ADS is not permitted in PCT and Supplemental Examination submissions
- You can be either a Registered or Unregistered eFiler. Only Registered eFilers may save a submission as a work-in-progress for up to 7 days.
- The Web-based ADS is not permitted in follow-on submissions.
- The Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). If an applicant is prosecuting the application pro se, all of the inventors must sign to comply with the rule, unless a power of attorney has been given (e.g., Form PTO/AIA/81). See MPEP 402.
- All required fields must be completed in order to proceed with the submission. The required fields are indicated with an asterisk (*).
- A Web-based ADS can only be submitted with the filing of a new application on or after September 16, 2012, or with a U.S. national stage entry under 35 U.S.C. 371 where the Patent Cooperation Treaty (PCT) filing date (international filing date) is on or after September 16, 2012. The pre-population feature will not work for national stage applications.
- Do not attach an ADS as a PDF if submitting a Web-based ADS.

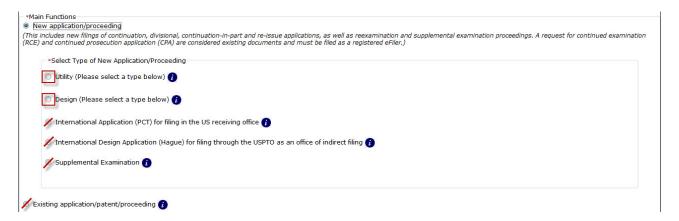
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Submissions under a Secrecy Order may not be filed electronically.

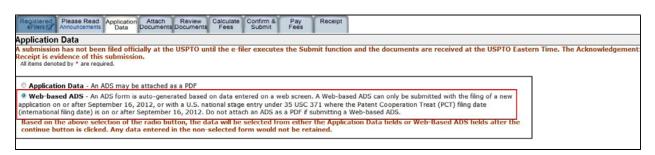
Warning: EFS-Web sessions will time-out after one hour of inactivity. A Web-based ADS that has not been submitted or saved after one hour of inactivity will be lost. You will need to login to EFS-Web again and re-enter the information from the start.

Access the Web-based ADS

The Web-based ADS will only be displayed for new Utility and Design applications. It is currently not available for International or existing applications, or Supplemental Examination proceedings.



On the Application Data tab, the default selection is the Application Data radio button. In order to access the Web-based ADS, select the second radio button, "Web-based ADS." This will expand the web screen and display the Web-based ADS fields. Based on the selection of the radio button, the data will be collected from either the Application Data fields or Web-Based ADS fields after the continue button, which is located at the bottom, is clicked. Any data entered in the non-selected form will not be retained.



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3.1 Application Information Retrieval

In the Application Information Retrieval section, users are presented with the option to prepopulate application information based on a previously filed application. Data may be retrieved for eFilers who either have power of attorney in the parent application or if the parent application is made available to the public, i.e., published or patented.

When using the pre-populate functionality, the first step is to enter the application and confirmation number of the parent application, then click the "**Show**" button. Bibliographic information of the entered application number is displayed for verification purposes. Information is to include:

- Parent Title
- Parent First Named Inventor
- Parent Filing Date



After verifying the bibliographic information, then the options to populate the following sections are available:

- Inventor Information
- Domestic Benefit/National Stage Information
- Foreign Priority Information

After successful retrieval the indicated sections will be filled with the USPTO's data of record, if available.

NOTE: When retrieving Domestic Benefit/National Stage Information the entered parent information will be used as the first claim entry to the current application. You must enter the continuity type and status information for each application for which retrieval is requested. For example, if you request retrieval of a parent nonprovisional application, you will then need to select the relationship in the continuity drop-down of either continuation, divisional, or continuation-in-part.

Not all inventor information may be retrieved. The system can only retrieve information stored in the USPTO Patent Application Locating and Monitoring (PALM) system, and not all information or record in an application is entered and stored in PALM . If there are multiple inventors, the system

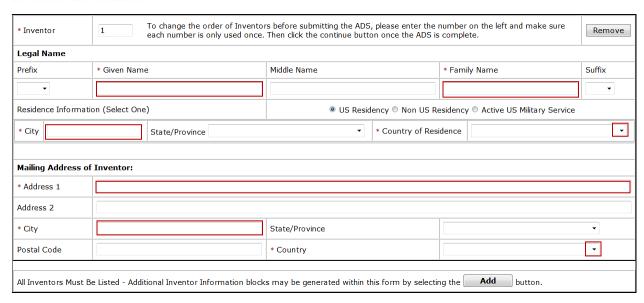
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may only retrieve the mailing address of the first named inventor. If an EFS Web-based ADS or an uploadable PDF version of the ADS form has previously been used, all of the information should be stored in PALM.

3.2 Inventor Information

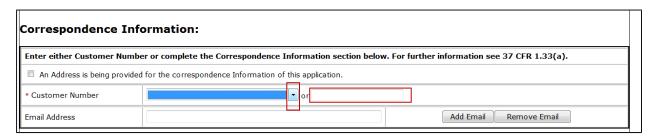
In the Inventor Information section, the required fields are indicated by an asterisk. You will not be able to proceed if a required field is missing.

Inventor Information:



3.3 Correspondence Information

The correspondence section is a required section. A Customer Number or an address must be entered. The default field is the Customer Number. Registered eFilers will be able to select a Customer Number from the drop down menu or enter a Customer Number. Unregistered eFilers will only be able to enter the Customer Number. If you do not have a Customer Number, select the checkbox and the section will expand to allow an address to be entered.



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3.4 Application Information

The Title of the Invention is a required field. Note: Special characters may not be entered in this field as it may not transfer correctly to USPTO databases.

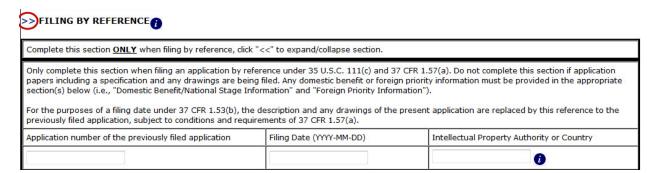
Filing by Reference

This section is not for making domestic benefit or foreign priority claims. Do not complete this section if application papers including a specification and any drawings are being filed at the time of filing the application. Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a), as provided for in the Patent Law Treaty (effective December 18, 2013). Any domestic benefit or foreign priority information must be provided in the "Domestic Benefit/National Stage Information" section and/or the "Foreign Priority Information" section, as appropriate. If filing an application by reference and claiming domestic benefit or foreign priority to the same application being referenced, both the "Filing by Reference" section and either the "Domestic Benefit/National Stage Information" or the "Foreign Priority Information" section must be completed.

If you complete the filing by reference section, you will be limited to the disclosure of the prior application that is referenced. You will need to pay a surcharge and submit a copy of the specification and any drawings of the prior application in response to a notice to file missing parts. The copy of the specification and drawings from the prior application will be used for examination and not any specification or drawings that may have been submitted on filing of the application.



Note: The following screen will not be visible unless Filing By Reference is selected.



3.5 Publication Information

Select the "Request Early Publication" checkbox if this application should be published as soon as possible.

Select the "Request Not to Publish" checkbox if a request for non-publication under 35

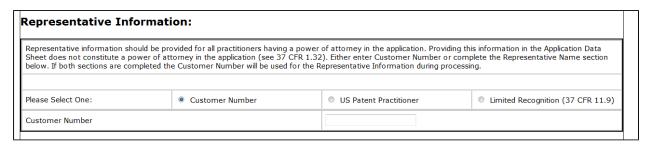
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U.S.C. 122(b) and 37 CFR 1.213 is being made.

Pub	lication Information:				
	Request Early Publication (Fee may be required at time of request under 37 CFR 1.219)				
	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.				

3.6 Representative Information

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). If a properly signed power of attorney (e.g., Form PTO/AIA/82) is not filed, the information provided in this section will **not** be recognized/entered into USPTO electronic systems. Either enter a Customer Number or complete the Representative Name section below, consistent with the power(s) of attorney being filed. If both sections are completed the Customer Number will be used for the Representative Information during processing.



3.7 Domestic Benefit/National Stage Information

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing the benefit claim information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

If you are claiming benefit of more than one prior-filed application, you must start with the most recent application and go back chronologically to the earliest application. Otherwise, the benefit claims may not be recognized by the Office if not presented in this manner and will not auto-load into the Office's electronic systems. If there is more than one chain of applications for which benefit is being claimed, you must start each chain with the most recent application and go back chronologically to the earliest application in each chain. Otherwise, the benefit claims may not be recognized by the Office if not presented in this manner and will not auto-load into the Office's electronic systems.

The first field ("Application Number") should be left blank the first time, which will signify "This Application is a" to refer to the application being submitted. By selecting the

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"Add" button you may add additional benefit claims, such as by entering any application number that is already referred to in the Prior Application Number fields on the current form. For any additional benefit claims to which the instant application is directly claiming domestic benefit, the "Application Number" field should be left blank.

Note for applications filed on or after September 16, 2012: Domestic benefit claims must be presented in the Application Data Sheet <u>only</u>. Domestic benefit information provided in the first sentence(s) of the specification will <u>not</u> be recognized by the Office unless the domestic benefit claims are also presented in the Application Data Sheet.

Domestic Benefit/National Stage Information: This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78. When referring to the current application, please leave the application number blank. Move Up Move Down Remove Prior Application Status Application Number Continuity Type Prior Application Number Filing or 371(c) Date (YYYY-MM-DD) Additional Domestic Benefit/National Stage Data may be generated below this form by clicking the Add tutton.

3.8 Foreign Priority Information

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55.

Note: For applications filed on or after September 16, 2012, foreign priority claims must be presented in the Application Data Sheet in accordance with 37 CFR 1.55.

Enter the access code number to uniquely identify a patent application that is registered into the WIPO DAS (World Intellectual Property Organization Digital Access Service). Please <u>click</u> here for more information.

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1). Remove Application Number Country Filing Date (YYYY-MM-DD) Access Code (if applicable) Additional Foreign Priority Data may be generated within this form by selecting the Add button.

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3.9 Statement under 37 CFR 1.55 or 1.78 for AIA

By checking this box associated with the statement, the applicant is indicating that the nonprovisional application is a transition application that should be **examined under the First Inventor to File (FITF) provisions of the America Invents Act (AIA)**. A nonprovisional application filed on or after March 16, 2013 (including a 35 U.S.C. 371 application having an international filing date on or after March 16, 2013 in which the basic national fee has been paid) that claims priority to or benefit of an application filed before March 16, 2013 is called a transition application. See the First Inventor to File (FITF) final rule published at 78 FR 11024 (Feb. 14, 2013). 37 CFR 1.55 (relating to foreign priority claims) and 37 CFR 1.78 (relating to domestic benefit claims) require applicant to inform the Office via a statement if the transition application contains or ever contained a claim that was not supported by the earlier filed domestic benefit or foreign priority application such that the effective filing date of the claim is the actual filing date of the nonprovisional application filed on or after March 16, 2013. The AIA FITF provisions apply to any nonprovisional application ever containing a claim with an effective filing date as defined in 35 U.S.C. 100(i) that is on or after March 16, 2013. This box provided on the Application Data Sheet is for applicant's convenience to make the statement required by 37 CFR 1.55 or 1.78, as applicable. For current information regarding whether a nonprovisional application is being examined under the pre-AIA first to invent (FTI) law or under the AIA first inventor to file (FITF) provisions, please check the status of the AIA (FITF) indicator in PAIR. The filing receipt does not reflect FITF status; that information is available in PAIR or on an Office communication.

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

3.10 Authorization or Opt-Out Authorization to Permit Access

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 of this section of the ADS) and the European Patent Office access to any search results from the instant application (see paragraph B in subsection 1 of this section of the ADS).

Paragraph A in subsection 1 states that unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

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Paragraph B in subsection 1 states that unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby grants the USPTO authority to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

Should applicant choose NOT to provide an authorization identified in subsection 1 in this section of the Application Data Sheet, applicant must opt-out of the authorization by checking the corresponding box A or B or both in subsection 2 of this section of the Application Data Sheet. However, once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

Authorization or Opt-Out of Authorization to Permit Access: 👔



When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant must opt-out of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is ONLY reviewed and processed with the INITIAL filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

- A. Priority Document Exchange (PDX) Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).
- B. Search Results from U.S. Application to EPO Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby grants the USPTO authority to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

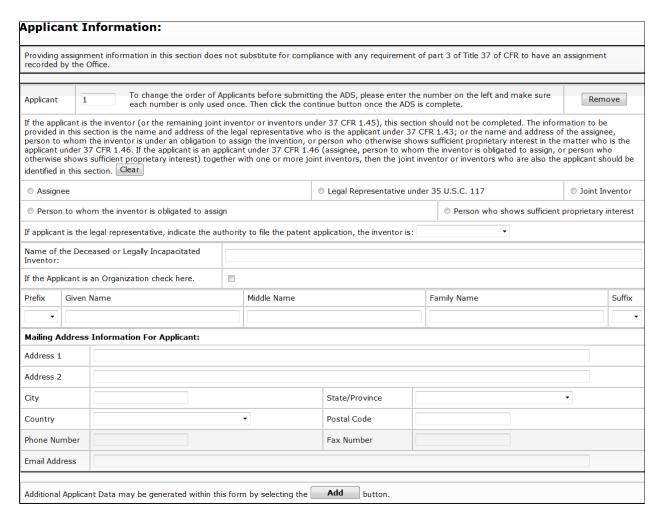
- A. Applicant DOES NOT authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.
- B. Applicant DOES NOT authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

3.11 Applicant Information

For each applicant entered, select either Assignee, Legal Representative under 35 U.S.C. 117, Joint Inventor, Person to whom the inventor is obligated to assign, or Person who shows sufficient proprietary interest. For more detailed Applicant Information instructions, see http://www.uspto.gov/forms/aia ads form inst.doc

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3.12 Assignee Information Including Non-Applicant Assignee Information

Complete this section only if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For more detailed Assignee Including Non-Applicant Assignee Information instructions, see http://www.uspto.gov/forms/aia ads form_inst.doc.

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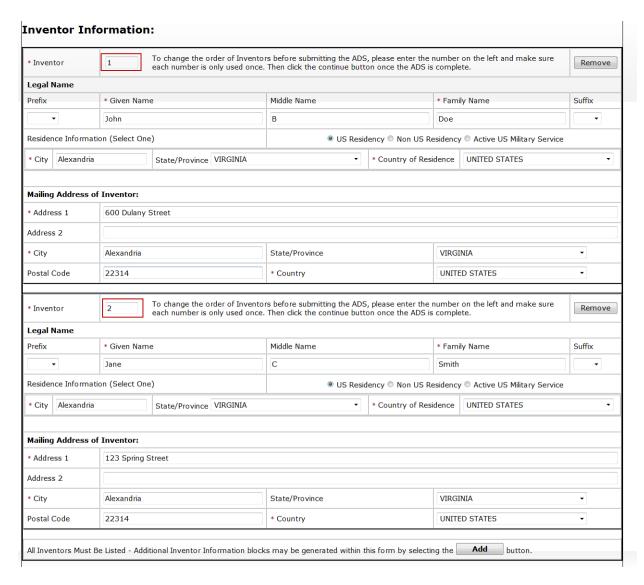
Assignee Information including Non-Applicant Assignee Information:									
	assignment information in this section does not by the Office.	subsitute for complia	nce with any requirement (of part 3 of Title 37 of CFR t	o have an assignme	nt			
Assignee	Assignee 1 To change the order of Assignees including Non-Applicant Assignees, before submitting the ADS, please enter the number on the left and make sure each number is only used once. Then click the continue button once the ADS is complete.								
assignee-	this section if assignee information, including n applicant identified in the "Applicant Information this section only if identification as an assignee	n" section will appear	on the patent application p	publication as an applicant. F					
					Remove				
If the Ass	signee or Non-Applicant Assignee is an Organizat	tion check here							
Prefix	Given Name	Middle Name		Family Name		Suffix			
•						•			
Mailing /	Address Information For Assignee including	Non-Applicant Ass	ignee:						
Address 1									
Address 2	2								
City			State/Province	•					
Country		•	Postal Code						
Phone Nu	mber		Fax Number						
Email Add	dress								
Additional	l Assignee or Non-Applicant Assignee Data may	be generated within the	his form by selecting	Add button.					

3.13 Changing order of the Inventors, Applicants, or Assignees

If more than one entry is added to these sections, you have the ability to change the order by renumbering. The numbers must be in order and each number can only be used once. Selecting the "Continue" at the bottom of the screen will apply the changes on the auto-generated ADS document.

Removing an entry will cause the number order to be changed. Please check the order number before selecting "Continue."

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3.14 Signature

This form must be signed in accordance with 37 CFR 1.33(b). However, **if this Application Data Sheet is submitted with the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).** This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (*e.g.*, corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (*e.g.*, see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants. If an applicant is prosecuting the application *pro se*, all of the inventors must sign to comply with the rule, unless a power of attorney has been given. MPEP 402.

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See 37 CFR 1.4 for signature requirements and certifications

Signature:							
NOTE: This Application Date Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the INITIAL filling of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c). This Application Data Sheet must be signed by a patent practitioner if one or more of the applicants is a juristic entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, all joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint-inventor applicants.							
See 37 CFR 1.4(d) for the manner of making signatures and certifications.							
* Signature	* Signature (EXAMPLE: /John Smith/)						
* First Name			* Last Name			Registration Number	
Additional Signature may be generated within this form by selecting the Add button.							

Once you have signed you may proceed to the next screen by selecting "Continue."

4. Attach Documents

Once you have provided all of the necessary Web ADS information on the "Application Data" screen, a WebADS.pdf document will be auto-generated. This document cannot be removed from the Attach Documents Screen.

You may click on the respective PDF hyperlink to preview the document. If you need to make any corrections, go back to the "Application Data" screen by clicking on the "Application Data" tab at the top of the screen. The Web-based ADS radio button should be selected. After making any corrections, you must click on the "Continue" button located at the bottom of the "Application Data" screen in order to apply any changes.

If you have additional PDF documents you may add them to the submission. If you do not have any required documents to upload, click on the "Review" button.

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5. Review Documents

On the "Review Documents" screen, the WebADS.pdf cannot be removed. If you need to remove the WebADS.pdf from the submission you must select the Application Data tab, select the Application Data radio button, complete the required fields, and then select continue. Once all of the necessary documents for the submission have been reviewed, click on the "Continue" button to advance to the next screen.

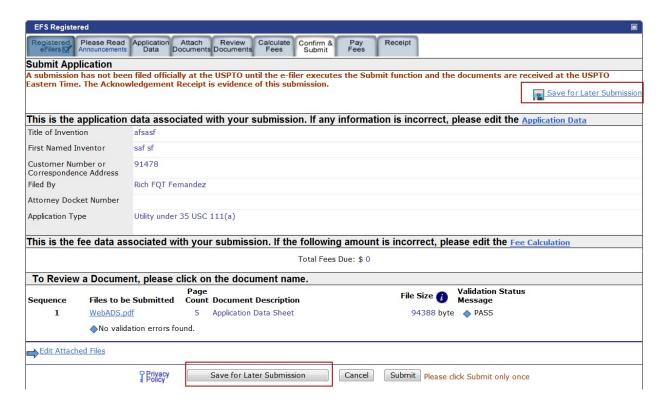
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6. Save Submission Feature for Registered eFilers

You have the option of saving the submission for later if you are a Registered eFiler. All of the required ADS fields on the "Application Data" tab must be completed. The save option is located on the "Confirm & Submit" screen.

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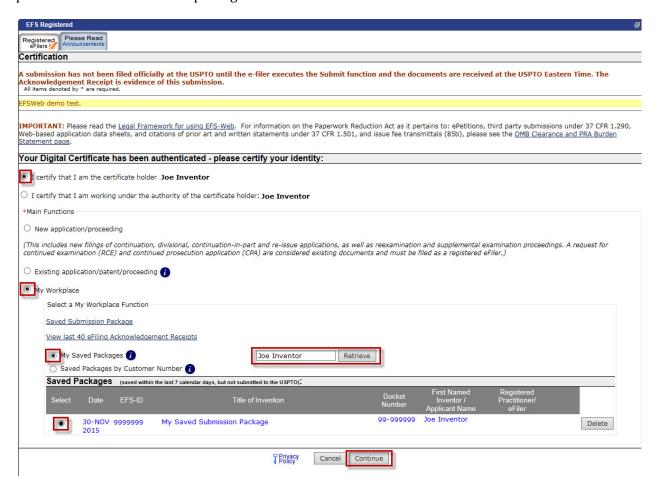


After clicking on the "Save for Later" button, the next screen will display the details of the saved submission. There is a notification statement that explains that the submission has not been filed officially at the USPTO until the Submit function is executed. A statement at the bottom of the screen details that the submission will be saved for up to 7 days.



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In order to later retrieve your saved submission package, you must log in to EFS-Web as a Registered eFiler. On the EFS-Web page you must select "My Workplace", and then click on the "Saved Submission Package" link. Next, select "My Saved Packages" and click on the drop down menu to select an eFiler and click on the "Retrieve" button. This will retrieve your saved submission packages. Fill in the radio button under "Select" in order to choose the particular saved submission package and click the "Continue" button.



If you have any questions or concerns regarding filing in EFS-Web, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email ebc@uspto.gov or telephone 866-217-9197.