Quick Start Guide

March 2024



Quick Start Guide

Web-based Application Data Sheet



Quick Start Guide



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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.

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

A more comprehensive guide on how to use Patent Center can be found at the Patent Center Resource Page located at: <u>Patent Center Resource Page</u> and look for the Patent Center User Guide.

2. Basic Guidelines for Filing a Web-based ADS

- You must be able to Patent Center.
- 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 14 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 prose, 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.
- 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.

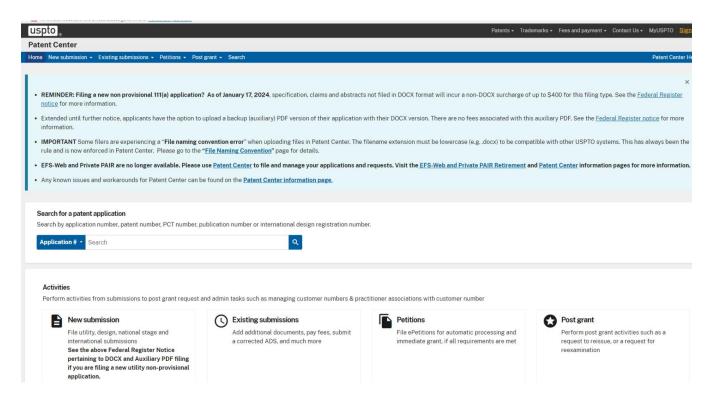
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Submissions under a Secrecy Order may not be filed electronically.

Warning: Patent Center sessions will time-out after 30 minutes 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 again and re-enter the information from the start.

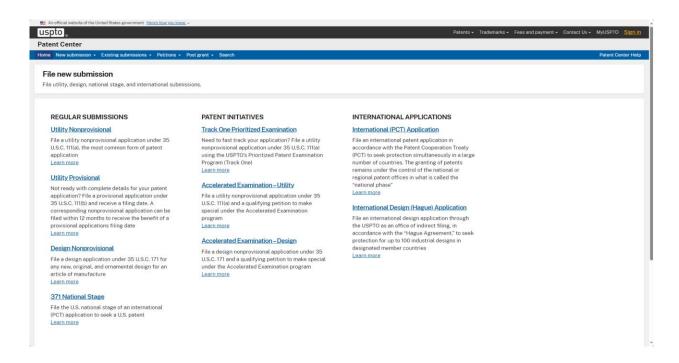
3. Access the Web-based ADS

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. From https://patentcenter.uspto.gov/, select New Submission.

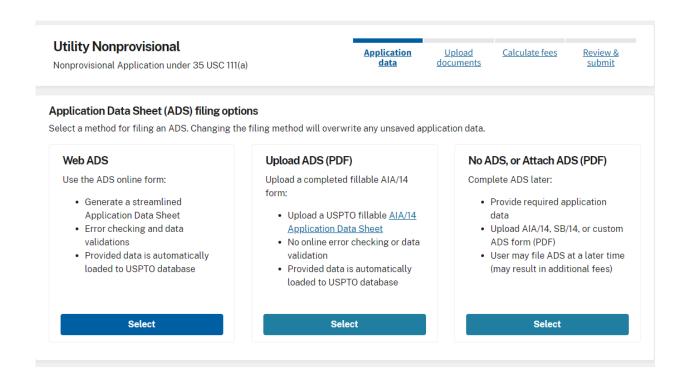


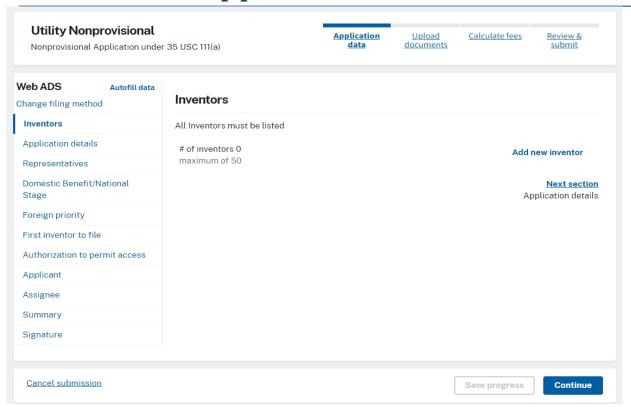
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On the File new submissions page, under REGULAR SUBMISSIONS, select Utility Nonprovisional.



On this page, select the Web ADS option.

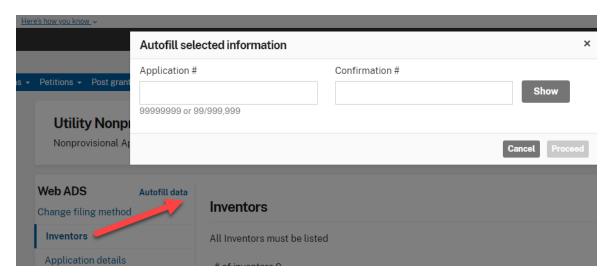




3.1 Application Information Retrieval

Users have the option to pre-populate application information based on a previously filed application by selecting Autofill data. 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.

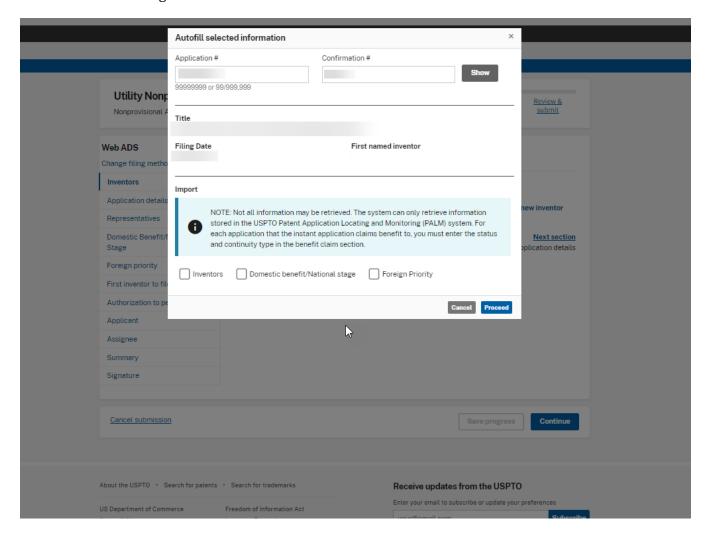
When using the pre-populate functionality, the first step is to select Autofill data and enter the application and confirmation number of the parent application, then click the "**Show**" button.



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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:

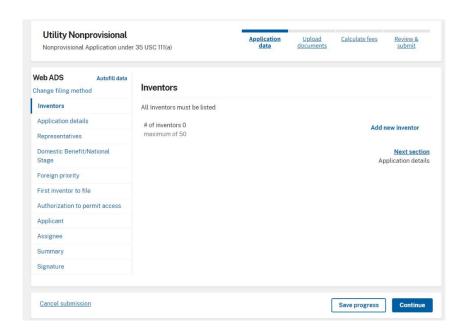
- Inventor Information
- Domestic Benefit/National Stage Information
- Foreign Priority Information

Ouick Start Guide

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

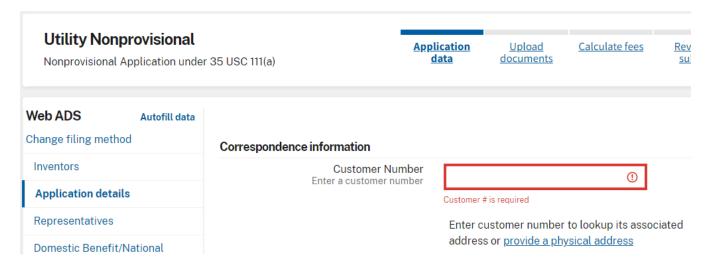
NOTE: When retrieving Domestic Benefit/National Stage Information the entered parent information will be used as the first claim entry to the current application. You must enter the continuity type and status information for each application for which retrieval is requested. For example, if you request 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 may only retrieve the mailing address of the first named inventor. The Patent Center 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 Correspondence Information

In the Application details section, the Customer Number and Title of Invention are required fields. You will not be able to proceed if a required field is missing. Correspondence information is a required field. A Customer Number or an address must be entered. Registered eFilers will be able to select a Customer Number once they begin entering a Customer Number and the profile information appears below. Unregistered eFilers will only be able to enter the enter Customer Number. If you do not have a Customer Number, entercustomer number to lookup its associated address or provide a physical address.



3.3 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.



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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 "F oreign 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.

Filing by reference

□ Select this checkbox and complete section ONLY when 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 drawings are being filed at the time of filing the application.

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

Publication Information for Pre-Grant Publication

Publication request

Normal eighteen-month publication

Request early publication

Fee may be required at time of request under 37 CFR 1.219

Request not to publish under 35 U.S.C. 122(b)

3.4 Publication Information

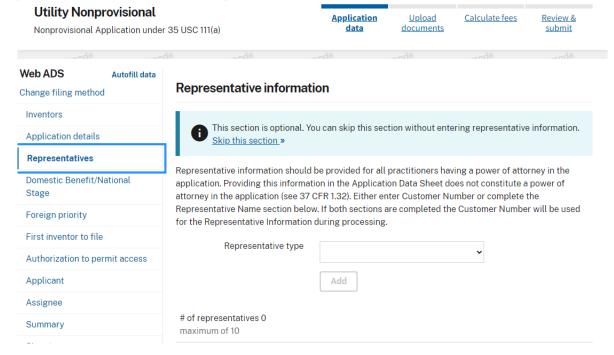
Select the "Request Early Publication" button if this application should be published as soon as possible.

Select the "Request Not to Publish" button if a request for non-publication under 35 U.S.C. 122(b) and 37 CFR 1.213 is being made.

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3.5 Representative Information

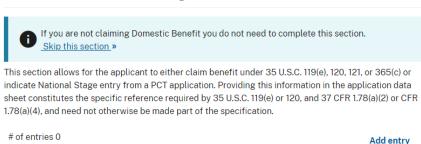
The Representative information section is optional. You can skip this section without entering representative information. Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not 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 entera 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.



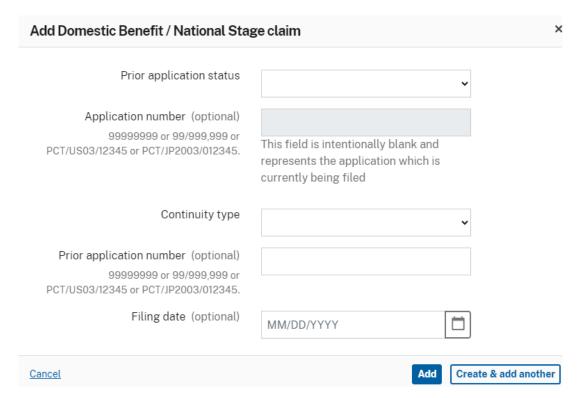
3.6 Domestic Benefit/National Stage Information

If you are not claiming Domestic Benefit, you do not need to complete this section. 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.

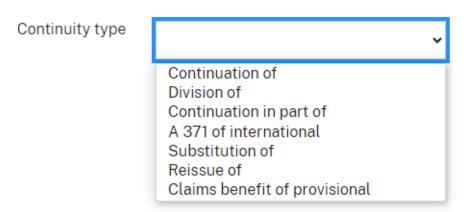
Domestic Benefit/National Stage information



If you are claiming Domestic Benefit/National Stage Information, you will click the Add entry link. 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.



chose the status of you application. The next field is Application Number. This field is intentionally blank and represents the application which is currently being filed. The field should be left blank the first time, which will signify "This Application is a" to refer to the application being submitted. By selecting the "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. The next field Continuity type is a required field. You may select the Continuity type from the drop-down menu.



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.

3.7 Foreign Priority Information

This section allows for the applicant to claim priority to a foreign application. If you are not claiming priority to a foreign application, you do not need to complete this section.

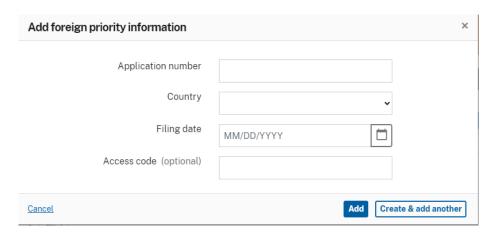
Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55.



Note: For applications filed on or after September 16, 2012, foreign priority claims must be presented in the Application Data Sheetin 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> <u>here</u> for more information.

Application number, Country and Filing date are all required fields.



3.8 Authorization or Opt-Out of Authorization to Permit Access

If you are not claiming First Inventor to File you do not need to complete this section. 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



If you are not claiming First Inventor to File you do not need to complete this section. Skip this section »

Checking this box will cause the application to be examined under the first inventor to file provisions of the ALA

☑ 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.

Previous section
Foreign priority

Next section

eign priority

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 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 <u>must opt-out</u> 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.

<u>NOTE</u>: This section of the Application Data Sheet is <u>ONLY</u> reviewed and processed with the <u>INITIAL</u> 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.

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 <u>must opt-out</u> 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 filling of an application. After the initial filling 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.

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

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

A. 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 (IPO), the Korean Intellectual Property Office (KIPO), the State 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).

B. 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)

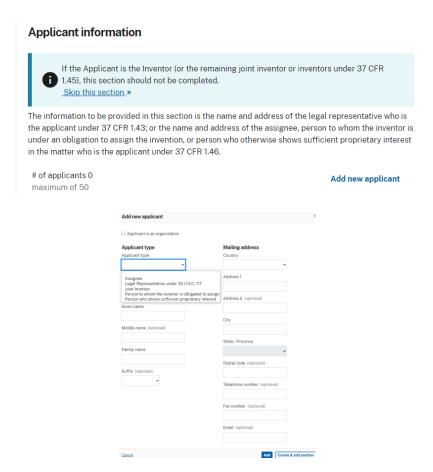
☐ A. Applicant <u>DOES NOT</u> authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

□ B. Applicant <u>DOES NOT</u> 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.

3.9 Applicant Information

If the Applicant is the Inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. 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



Assignee Information Including Non-Applicant Assignee Information

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication. An assignee-applicant identified in the "Applicant" section will appear on the patent application publication as an applicant. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.





Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Skip this section»

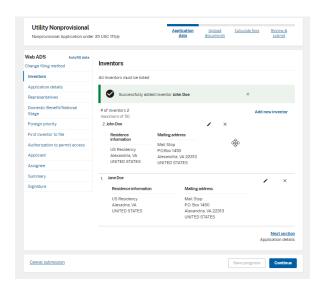
An assignee-applicant identified in the "Applicant" section will appear on the patent application publication as an applicant. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

of assignees 0 maximum of 50

Add new assignee

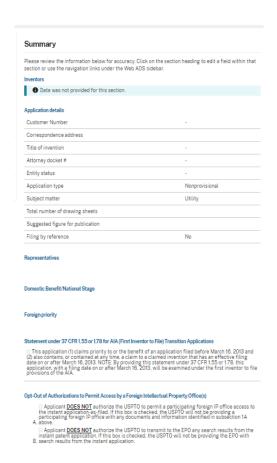
Changing order of the Inventors, Applicants, or Assignees

If more than one entry is added to these sections, you have the ability to change the order by dragging them in the order you want. Selecting the "Next section" at the bottom of the screen will apply the changes. Removing an entry will cause the number order to be changed.



3.12 Summary

Please review the information below for accuracy. Click on the section heading to edit a field within that section or use the navigation links under the Web ADS sidebar.



3.13 Signature

This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the INITIAL filing 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 Patent Center Web-based ADS Quick Start

who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint inventor-applicants.

See CFR 1.4(d) for the manner of making signatures and certifications.

Signature



Your Web ADS is not complete until signed. You may sign it at a later time.

NOTE:

This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the <u>INITIAL</u> filing of the application <u>and</u> either box A or B is <u>not</u> 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 <u>must</u> 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, <u>all</u> 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 <u>all</u> joint inventor-applicants.

See CFR 1.4(d) for the manner of making signatures and certifications.

Signature	First name	Last name	Registration number
'/John Marina, VI/'			

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