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Sent: Tuesday, March 06, 2012 11:26 AM
To: oath_declaration
Cc: >H PDLO DGGUHV UHGFVWG@
Subject: Inventor's Oath/Declaration (Response to Proposed Rules)

To Whom it May Concern:

I raised this question at the USPTO's AIA Roadshow in Boston on March 5, 2012. The panel requested that I submit the question as a comment:

The oath and declaration currently required and the oath and declaration that will be required as of September 16, 2012 statutorily require different statements. Specifically, current 35 USC 115 requires the statement that "[t]he applicant shall make oath that he believes himself to be the original and first inventor...and shall state of what country he is a citizen," whereas 35 USC 115(b), which will go into effect as of September 16, 2012, requires the statement that the "[a]pplication was made or authorized to be made by declarant" and that "the declarant believes him/herself to be the original inventor joint inventor of the claimed invention."

Current practice allows a copy of the declaration in a parent to be filed in a child application. However, if a child application is filed on or after September 16, 2012 on a parent application filed before September 16 (necessarily filed with the oath and declaration comprising the current statutory language of 35 USC 115), will a new oath and declaration for the child application need to be executed in order to conform with the statutory language coming into effect on September 16, 2012?

Thank you,

Meaghan L. Richmond

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