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Rule 51 General requisites of an application. Applications for patents must be made to the Commissioner of Patents. A complete application comprises:

- (a) A petition or request for a patent, see rule 61.
- (b) A specification, including a claim or claims, see rules 71 to 77.
- (c) An oath, see rule 65.
- (d) Drawings, when necessary, see rules 81 to 88.
- (e) The prescribed filing fee. (See rule 21 for filing fees.)

[Old Rule 30]

The petition, specification, and oath must be in the English language and must be legibly written or printed in permanent ink. See Rule 52 and 608.01.

The parts of the application may be included in a single document, if the approved single signature form is used (Rule 58, 605.04 (a)).

Determination of completeness of an application is covered in 506.

The petition, specification and oath are secured together in a file wrapper bearing appropriate identifying data including the serial number and filing date (717).

NOTE

Reissue patents, 1401.

Design patents, Chapter 1500.

Plant patents, Chapter 1600.

A model, exhibit or specimen is not required as part of the application as filed, although it may be required in the prosecution of the application (Rules 91-93, 608.03).

Rule 59 Papers of complete application not to be returned. The papers in a complete application will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost. See rule 87 for return of drawing.

[Old Rule 72, par. 1]

601 Petition

Rule 61 Petition. The petition must be addressed to the Commissioner of Patents and must state the name, residence, and post office address of the petitioner

and request the grant of a patent; designate by title the invention sought to be patented; contain a reference to the specification for a full disclosure of such invention; and must be signed by the applicant in person.

The power of attorney or authorization of agent may be incorporated in the petition.

In the single signature form, the statements above required for a separate petition do not all appear in the petition paragraph and are differently arranged. (See rule 58.)

[Old Rule 33]

Petitioner's or applicant's post office address is discussed in 605.03.

The petition need not be dated.

601.01 Amendment of Petition

Those portions of the petition other than the post office address (see 605.03) may be amended by the attorney. (Extract from Order No. 1994.)

601.02 Power of Attorney or Authorization of Agent

Usually a power of attorney or authorization of agent is incorporated in either the petition or single signature form. See 402 and 605.04 (a).

The attorney's or agent's full post office address should be given in every power of attorney or authority of agent. The prompt delivery of communications will thereby be facilitated. (Extract from Notice of Oct. 8, 1946).

602 Original Oath

Rule 65 Oath of applicant. (a) The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than one year prior to his application, or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. If any application for patent has been filed in any foreign country by the applicant in this country, or by his legal representatives or assigns, prior to his application in this country, he shall state the country

or countries in which such application has been filed, giving the date of such application, and shall also state that no application has been filed in any other country or countries than those mentioned, and if no application for patent has been filed in any foreign country, he shall so state. This oath must be subscribed to by the affiant.

(b) If the application be made by an executor or administrator of a deceased person or the guardian, conservator, or representative of an insane person, the oath shall state the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this rule to make oath to.

(c) An additional oath may be required if the application has not been filed in the Patent Office within a reasonable time after the execution of the original oath.

(d) In the case of applications for patent for inventions to which section 3 of 61 Stat. 794; Public Law 380, August 6, 1947; 35 U. S. C., Supp., 101 note, applies, the oath should include a statement that the invention was not made before January 1, 1946, or was not made before January 1, 1946 in Germany or Japan or in the territory of any other of the Axis Powers or in any territory occupied by the Axis forces. If not included in the oath, a separate affidavit will be required.

[Old Rule 46]

The single signature form mentioned in Rule 58 includes the oath.

An oath which refers to applicant as "the petitioner" need not contain applicant's name in the body thereof.

In the oath, the jurat must be filled out, and the word "sole" or "only" must appear if there is but one inventor, and "joint" if two or more inventors.

The oath usually bears an impressed seal of the administering official but such seal may not always be required. See Rule 66, and 604 to 604.01 (a).

If a claim is presented for matter not originally claimed or embraced in the original statement of invention in the specification a supplemental oath is required. Rule 67, 603.

602.01 Oath Cannot Be Amended

The wording of an oath cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath must be required. However, in some cases a deficiency in the oath can be corrected by a supplemental paper and a new oath is not necessary.

For example, if the oath does not set forth evidence that the notary was acting within his jurisdiction at the time he administered the oath a certificate of the notary that the oath was taken within his jurisdiction will correct the deficiency. See 604.02.

Likewise, a consular certificate (604.04 (a)) or a consular fee stamp (604.05) can be added to correct a deficiency in the oath.

602.02 New Oath or Substitute for Original

In requiring a new oath, the Examiner should always give the reason for the requirement and call attention to the fact that the application of which it is to form a part must be properly identified in the body of the new oath, preferably by giving the serial number and the date of filing.

Where neither the original oath, nor the substitute oath is complete in itself, but the two taken together give all the required data, no further oath is needed.

602.03 Defective Oath Must Not Be Waived by the Examiner

The fact that the courts would probably not invalidate a patent because of a defective oath does not relieve the Examiner of the duty of requiring the appropriate remedy for any such defect.

602.04 Foreign Oath

An oath executed in a foreign country must be properly authenticated, 604, Rule 66.

602.04 (a) Foreign Oath Is Ribboned to Other Application Papers

Extract from Rule 66. (b) When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed.

[Old Rule 47]

602.05 Oath Too Old at Time of Filing

The time elapsed between the date of execution of oath and the filing date of the application should be checked for compliance with Rule 65 (c). If an unreasonable time has elapsed, the Examiner should call for a new oath. What constitutes a reasonable time is a question of judgment to be determined by all the circumstances in the particular case. (Five weeks plus time of transmission in the mails was consid-

ered reasonable under the circumstances of *ex parte* Heinze, 1919 C. D. 67; 265 O. G. 145). Note 602.05 (a).

602.05 (a) Oath in Division and Continuation Cases

Where the date of filing the application is not the date that determines the statutory twelve months' period, as in divisional and continuation cases, it is immaterial, so far as concerns the acceptability of the oath, how long a time intervenes between the execution of the oath and the filing of the application.

When a divisional application is identical with the original application as filed, signing and execution of the oath in the divisional case may be omitted. (See Rule 147, 201.06).

603 Supplemental Oath

Rule 67 Supplemental oath for matter not originally claimed. (a) When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath to the effect that the subject matter of the proposed amendment was part of his invention; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more than one year before his application, or in public use or on sale in the United States for more than one year before the date of his application, that said invention has not been patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath should accompany and properly identify the proposed amendment, otherwise the proposed amendment may be refused consideration.

(b) In proper cases the oath here required may be made on information and belief by an executor or administrator of a deceased person or a guardian, conservator, or representative of an insane person.

[Old Rule 48]

Rule 67 requires in the supplemental oath substantially all the data called for in Rule 65 for the original oath. As to the purpose to be served by the supplemental oath, the Examiner should bear in mind that it cannot be availed of to introduce new matter into an application. It applies only to matter originally shown or described but not embraced in the statement of invention or claims as originally presented.

603.01 Supplemental Oath Filed After Allowance

Since the decision in *Cutter Co. v. Metropolitan Electric Mfg. Co.*, 275 Fed. 158, many supplemental

oaths covering the claims in the case have been filed after the case is allowed. Such oaths may be filed as a matter of right and when received they will be placed in the file by the Issue Branch, but their receipt will not be acknowledged to the party filing them. They should not be filed or considered as amendments under Rule 312, since they make no change in the wording of the papers on file. (Order No. 2798.) See 714.16.

604 Administration or Execution of Oath

Extract From Rule 66 Officers authorized to administer oaths. (a) The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made, except that no oath or affirmation may be administered by any attorney or agent appearing in the case. When the person before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by a competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

[Old Rule 47]

NOTE:

Seals, 604.01.

When unnecessary, 604.01 (a).

In foreign case, 602.04 (a).

604.01 Seal

An oath under Rule 65 administered by a civilian official must be attested to by a competent seal, as required by Rule 66.

The seal must be a physical impression such as produced with a die upon the paper or upon a substance adherent to the paper. See also 602.04 (a) on foreign executed oath and seal.

604.01 (a) Seal, When Not Required

When the person before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal, except as noted in 604.03 (a), in which situations no seal is necessary.

604.02 Venue

That portion of an oath or affidavit indicating where the oath is taken is known as the venue. Where the county and state in the venue agree with the county and state in the seal, no problem arises. If the venue and seal do not correspond in county and state, the jurisdiction of the notary must be determined from statements by the notary appearing on oath, or from the listing at 604.03. Venue and notary jurisdiction must correspond or the oath is improper. The oath should show on its face that it was taken within the jurisdiction of the certifying officer or notary. This may be given as the caption of the oath, or in the body of the jurat. Otherwise, a new oath, or a certificate of the notary that the oath was taken within his jurisdiction, must be required. Ex parte Delavoye, 1906 C. D. 320; 124 O. G. 626; Ex parte Irwin, 1928 C. D. 13, 367 O. G. 701.

604.03 Notaries and Extent of Jurisdiction

The extent of the jurisdiction of the notaries in the various states is given below.

STATEWIDE	
Alaska	Nevada
Arkansas	New Hampshire
Canal Zone	New Jersey
Colorado	New Mexico
Connecticut	New York (c)
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Oklahoma
Georgia	Oregon
Idaho	Pennsylvania
Illinois	Puerto Rico
Indiana	Rhode Island
Louisiana	South Carolina
Maine	South Dakota
Maryland	Utah
Massachusetts	Vermont
Michigan	Washington
Minnesota	Wisconsin
Montana	Wyoming
COUNTY ONLY	
Alabama	Mississippi
Arizona	Tennessee
California	Texas
Kansas	West Virginia

VARIABLE JURISDICTION

(See explanatory paragraphs (a-f) below.)

Hawaii	Nebraska (b)
Iowa (a)	Ohio (f)
Kentucky (a)	Virginia (d)
Missouri (a)	

(a) In Iowa, Kentucky, and Missouri a notary, by filing a proper certificate in counties adjoining that for which he is appointed, may have authority to administer oaths in such counties also.

(b) In Nebraska a notary with a county commission can act only in that county; but he may have a general commission and may then act in any county on filing proper papers.

(c) In New York an attorney-at-law may be commissioned to act as a notary public but shall not employ the words "notary public" in connection with his official acts or duties.

(d) In Virginia, a notary may be appointed for one or more counties and cities, or for the commonwealth at large.

(e) In the Territory of Hawaii it is generally limited to the judicial circuit.

(f) In Ohio the law, as amended in 1941, gives notaries who are attorneys-at-law state-wide jurisdiction and other notaries jurisdiction in the county of appointment. The extent of jurisdiction is stated on the seal or near the notary's signature.

The notary does not have to state when his commission expires but if he does so state, the oath should be inspected to determine whether or not the notary's commission had expired at the date of execution of the oath.

604.03 (a) Notarial Powers of Some Military Officers

Certain Naval Officers serving beyond the continental limits of the U. S. have notarial jurisdiction but have no seal. (Act of April 25, 1935; 34 U. S. C. 217 a.)

All Army officers on duty with the Judge Advocate General's Department, and all adjutants, assistant adjutants or personnel adjutants of any command, among other designated army officers, have notarial powers to administer oaths to be executed by persons subject to military law. (Act of Dec. 14, 1942; 10 U. S. C. 1586.)

During existence of war or declared national emergency and six months thereafter, any officer of the Navy, Marine Corps or Coast Guard designated by the Secretary of the Navy (or by the Secretary of the Treasury in the case of Coast Guard if under the jurisdiction of the Secretary of the Treasury) has notarial powers. No seal is required. (Act of April 9, 1943; 34 U. S. C. 217a-1.)

604.04 Consul

The authority of any officer, not a United States minister, chargé d'affaires, consul, or commercial agent, administering an oath to an applicant residing abroad must be proved by certificate of United States diplomatic or consular officer. Rule 66, 604.

604.04 (a) Consul-Omission of Certificate

If the consular certificate is omitted, in cases in which the oath is taken before a notary abroad, the Examiner should require a consular certificate for the original oath.

604.05 Consular Fee Stamp

Sec. 10, Act approved April 5, 1906; "when-ever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp in the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and cancelled."

604.05 (a) Omission of Consular Fee Stamp

In all applications executed abroad before a consular officer, from which the required consular fee stamp has been omitted, the first action in the case will include the requirement that the necessary stamp be forwarded to the Patent Office to be affixed to the affidavit and canceled by the Head of the Application Branch. (Order No. 2032, Revised.)

604.05 (b) Embassies and Legations Stamp Not Required

Embassies and legations are not supplied with fee stamps, and are not required to attach any such stamps to papers executed by them. (Extract from Notice of Aug. 4, 1914.)

604.06 Oath by Attorney in Case, Invalid

The oath may not be executed before a notary who has power of attorney in the case. If such an oath is offered as one of the original papers, the application is not accepted as "complete," since an oath so executed is invalid and without legal effect. (Riegger v. Beierl, 1910 C. D. 12; 150 O. G. 826.) Rule 66, 604.

605 Applicant

Rule 41 Only inventor may apply for patent. Only the actual inventor may apply for a patent and the application papers must be signed and the necessary oath executed by the inventor, unless the inventor is dead or insane. See rule 147.

Extract from Rule 45. Joint inventors. (a) Joint inventors must apply for a patent jointly and each must sign the application papers and make the required oath; neither of them alone, nor less than the entire number, can apply for a patent for an invention invented by them jointly.

For convertibility from a joint to sole application see 201.03.

Rule 46 Assigned inventions and patents. In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made by the inventor as indicated in rules 41 and 45, or by one of the persons mentioned in rules 42 and 43. However, the patent may be issued to the assignee or jointly to the inventor and the assignee as provided in rule 334.

[Old Rule 26]

Rule 47 Applicant. Unless the contrary is indicated, the word "applicant" when used in these rules refers to the inventor (rule 41), joint inventors who have applied for a patent (rule 45), or to the person mentioned in rule 42 or 43 who has applied for a patent in place of the inventor.

NOTE

Disposition of application by inventor, 301.

Inventor dead or insane, 409.

Nationals of Germany or Japan may not apply for or obtain patents for any invention made, or upon which an application was filed by any such national, before January 1, 1946, in Germany or Japan or in the territory of any other of the Axis Powers or in any territory occupied by the Axis forces. Public Law 380, Sec. 3, 602 O. G. 675-6.

605.01 Applicant's Citizenship

The statute (Sec. 4892, R. S.; 35 U. S. C. 35) requires an applicant to state his citizenship. Where an applicant is not a citizen of any country, a statement to this effect is accepted as satisfying the statutory requirement; but a statement as to citizenship applied for or first papers taken out looking to future citizenship in this (or any other) country does not meet the requirement.

605.02 Applicant's Residence

The rules of practice require that the applicant state his place of residence. In the case of an applicant who is in the U. S. Army or U. S. Navy, a statement to that effect is sufficient as to residence. For change of residence see 717.02 (b).

605.03 Applicant's Post Office Address

Applicant's post office address means under Rule 61 that address at which he customarily receives his mail.

The object of requiring applicant's post office address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instructions to send communications to applicant in care of the attorney is not sufficient. (Extract from Order No. 1994.)

If the post office address is entirely omitted it must be supplied by a letter over the applicant's own signature. Where, however, having given complete data as to his residence, the applicant identifies his post office address only by street and number, it is assumed and so accepted, that the city and state of his residence are the city and state of his post office address.

Any amendment of the post office address requires the signature of the applicant himself.

605.04 Applicant's Signature and Name

Rule 57 Signatures. The petition, the specification and claim, and the oath, must be signed by the applicant in person. Full names must be given, including the full first name without abbreviation, and the middle initial or name if any.

Rule 76 Signature to the specification. The specification and claim must be signed by the applicant in person. See rules 57 and 58.

[Old Rule 40]

If the oath, which is sworn to, and one of the other component parts of the application are properly signed by the applicant, his failure to sign the other parts will not of itself defeat acceptance as a complete application.

The signing and execution by the applicant of certain Divisional applications may be omitted. Rule 147, Section 201.06.

605.04 (a) Single Signature Form

Rule 58 Single signature form. The petition, oath, specification and claim, and power of attorney may be included in a single document and may be executed by a single signature of the applicant if an approved single signature form supplied by the Office or approved by the Office is used.

[Old Rule 30A]

The single signature form (Rule 58) should be executed only when attached to a complete application as the last page thereof.

NOTE: Signature to response 714.01 (a) to (e).

605.04 (b) Full First Name Required

Rule 57 requires "full names". The full *first* name must appear somewhere in the papers as filed, and there must be consistency in the names and signatures. Otherwise, appropriate amendment is required.

All applications which disclose the full first and last names with middle initial or name, if any, of the

applicant at any place in the application papers will be received and considered as a sufficient compliance with Rules 57 and 76 of the Rules of Practice.

When the *full first name* of the applicant does not appear either in the signature or elsewhere in the papers the Examiner will, in the first official action, require an amendment over applicant's signature supplying the omission, and he will not pass the application to issue until the omission has been supplied unless a statement be filed over the applicant's own signature setting forth that his full first name is as signed or what is in fact his full first name.

No affidavit should be required.

The requirement should be made only when for the first name in the signature a mere initial appears or what can be only an abbreviation of a name. (Order No. 3140 Revised.)

In an application where the name is type written with a *middle name or initial*, but the signature is without such middle name or initial, action should be taken as follows:

In the first Office letter, call attention to the lack of uniformity and request information over the applicant's signature as to the correct form of his name, together with any necessary amendment.

If applicant, in reply, gives the name without the middle name or initial unaccompanied by any instructions to amend the typewritten name, the reply may be interpreted as a direction to cancel the middle name or initial from the preamble; though such amendment is not material, since the preamble is no longer printed in the patent. It is necessary however, that such surplus portion of the name, if it appears printed on the drawing, should be removed therefrom. This can be done by the Office draftsman.

If applicant gives the name with the middle name or initial, interpret the reply as a direction that the middle name or initial is to be used in the name on the printed patent. As the printer takes the name from the signature of the application, the addition of the middle name or initial must be indicated in red ink adjacent the signature.

If applicant fails to answer the request and the case is otherwise ready for issue, correct the name on the drawing by Examiner's amendment to correspond to the signatures, send copy to attorney, and pass the case to issue. This cannot be done if there are inconsistencies in the signatures.

There should be uniformity notwithstanding that lack of it is not sufficient to affect the validity of the patent.

When the name is corrected, the file should be sent to the Application Branch for correction of its records.

607.01 (b) Fee Exempt Changed to Fee Filed

Where an application is filed under the Act of March 3, 1883, as amended April 30, 1928, the regular filing fee can be subsequently paid and proper amendment made by the inventor, concurred in by the Head of the Department concerned, cancelling the offer of dedication, the fee being entered on the file and the original date of the application retained.

607.01 (c) Fee Filed Changed to Fee Exempt

An application for which a filing fee has been paid may issue under the Act of March 3, 1883, as amended April 30, 1928, if the applicant qualifies under said Act, and files the required dedication by amendment signed by the inventor and certified by the Head of the Department. In such case the docket clerk of the division will forward the application to the Application Branch for appropriate amendment of the file wrapper and of the record in the Application Branch. (Notice of August 10, 1938, Revised.)

607.02 Returnability of Fees

All questions pertaining to the return of fees will be referred to the Financial Division. Examiners and Chiefs of other divisions will express no opinion to attorneys or applicants as to whether or not fees are returnable in particular cases. (Notice of Oct. 11, 1937.)

608 Disclosure

In return for a patent, the inventor gives as consideration a complete revelation or disclosure of the invention for which he seeks protection. All amendments or claims must find basis in the original disclosure, or they involve new matter. Applicant may rely for disclosure upon the specification with original claims and drawings, all as filed complete. See Rule 118, 608.04.

608.01 Specification

Rule 71 Detailed description and specification of the invention. (a) The specification must include a written description of the invention or discovery and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner

as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode devised by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

[Old Rules 34, 35, 36]

Certain cross notes to other related applications may be made when appropriate, and others are required. Rule 78, 202.01.

Rule 52 Language, paper, writing, margins (a) The petition, specification, and oath must be in the English language. All papers which are to become a part of the permanent records of the Patent Office must be legibly written or printed in permanent ink.

(b) The specification and claims, and also papers subsequently filed, must be plainly written on but one side of the paper. A wide margin must be reserved on the left-hand side and on the top of each page and the lines must not be crowded too closely together. Legal paper, 8 to 8½ by 12½ to 13 inches, typewritten and double spaced with margins of one and one-half inches on the left-hand side and top is deemed preferable. Typewritten or printed papers suitable for use by the Office may be required if the papers originally filed are not correctly, legibly and clearly written.

(c) Any interlineation, erasure or cancellation or other alteration made before the application was signed and sworn to should be clearly referred to in a marginal note or footnote on the same sheet of paper, and initialed or signed and dated by the applicant to indicate such fact. (See Rule 56.)

[Old Rules 30, 45]

Typed, mimeographed, or multigraphed papers are acceptable. A good carbon copy is acceptable.

As stated in Rule 52 the specification as well as petition and oath must be in the English language.

The specification is sometimes in such faulty English that a new specification is necessary, but new specifications encumber the record and require additional reading, and hence should not be required or accepted except in extreme cases.

The specification does not require a date.

If a newly filed application obviously fails to disclose an invention with the clarity required by Sec. 488 R. S. 35 U. S. C. 33, revision of the

605.04 (c) Applicant Changes Name

In cases where an applicant's name has been changed after his application has been filed and the applicant desires that the patent when issued carry an endorsement as to the change in his name, it will be sufficient for the applicant to make a request in writing accompanied by an oath signed with both names and setting forth the procedure whereby the change of his name was effected. When such papers are received the application will be forwarded to the Assignment Branch and the oath pertaining to the change of name will be recorded in the assignment records. The Assignment Branch will then forward the application to the Application Branch for a change in their records. (Order No. 5106, Revised.)

The name is changed on the face of the file by the Docket Clerk of the examining division who also makes appropriate notation under the signature to the specification. The new name is added to the drawing by the Drafting Branch.

The original name remains and this name and the change of name are printed in the heading of the patent, but only the original name is printed at the end of the specification.

Where the change of name is merely by amendment, such as the addition of a full first name or a middle initial and no oath is required, the file is sent to the Application Branch for a change in their records and if the application is assigned it will be forwarded by the Application Branch to the Assignment Branch for a change in assignment record.

605.04 (d) Applicant Unable To Write

If the applicant is unable to write, his mark as affixed to the petition, the specification and the drawing must be attested to by a witness. In the case of the oath, the notary's signature to the jurat is sufficient to authenticate the mark.

605.04 (e) May Use Title With Signature

It is permissible for an applicant to use a title of nobility or other title, such as "Dr.", in connection with his signature. The title will not appear in the printed patent.

605.04 (f) Signature on Joint Applications

In case of a joint application, the order of the names on the file wrapper is that in which they are signed to the specification or to the single signature form. It is not essential that the names appear in the same order in the signatures to the petition, specification, oath, and drawing.

605.04 (g) When Name Is Corrected, Send to Application Branch

When the name is corrected by amendment, the file should be sent to the Application Branch for correction of the name in its record. When the name is changed, see 605.04 (c).

605.04 (h) Unsigned Original Specification and Signed Duplicate

Whenever an application is filed in which the original specification is not signed by the applicant, a requirement should be made in the first action that the specification be signed by the applicant or that a properly signed duplicate specification be filed. An unsigned specification is not returned to the applicant, but the applicant may come in and sign such specification in the Patent Office. Otherwise, a properly signed permanent duplicate copy of the specification as originally filed is required. If the duplicate specification be filed with the first amendment, said amendment should be entered in the signed duplicate specification and the original or unsigned specification canceled; but if the first amendment be filed before the signed duplicate specification is filed, the amendment should be entered in the original specification, and the signed specification marked "Duplicate of Original Specification" and placed in the file, in which case a marginal notation should be made at the end of the unsigned specification to print the signature as found at the end of the duplicate specification. (Notice of Dec. 11, 1934, Revised.)

605.04 (i) Signature to Drawing

Rule 82 Signature to drawing. The drawing must either be signed by the applicant in person or have the name of the applicant placed thereon followed by the signature of the attorney or agent as such.

[Old Rule 50]

The drawing is not signed by both applicant and attorney. When the drawing is signed by the inventor in person the name of the attorney is not permitted to appear thereon.

The drawing may be signed by the applicant, attorney, or agent in person after the drawing has been filed. The signature need not be dated.

Prohibition against changing name of attorney on drawing is discussed at 608.02 (v).

For return of drawing to applicant for signature see 608.02 (z).

605.05 Administrator or Executor

For prosecution by administrator or executor see 409.01.