

Background

A service provided by the United States Patent and Trademark Office (USPTO) is the acceptance and preservation for two years of “Disclosure Documents” as evidence of the date of conception of an invention.

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

THE DISCLOSURE DOCUMENT IS NOT A PATENT APPLICATION. THE DATE OF ITS RECEIPT IN THE USPTO WILL NOT BECOME THE EFFECTIVE FILING DATE OF ANY PATENT APPLICATION SUBSEQUENTLY FILED.

These documents will be kept in confidence by the Patent and Trademark Office without publication in accordance with 35 U.S.C. 122(b) effective November 29, 2000.

This program does not diminish the value of the conventional, witnessed, permanently-bound, and page-numbered laboratory notebook or notarized records as evidence of conception of an invention, but it should provide a more credible form of evidence than that provided by the mailing of a disclosure to oneself or another person by registered mail.

Content of the Disclosure Document

The benefits afforded by the Disclosure Document will depend directly upon the adequacy of the disclosure. It is strongly recommended that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included. The use or utility of the invention should be described, especially in chemical inventions.

Preparation of the Disclosure Document

A standard format for the Disclosure Document is required to facilitate the USPTO's electronic data capture and storage. The Disclosure Document (including drawings or sketches) must be on white letter-size (8.5 by 11 inch) or A4 (21.0 by 29.7 cm) paper, written on one side only, with each page numbered. Text and drawings must be sufficiently dark to permit reproduction with commonly used office copying machines. Oversized papers, even if foldable to the above dimensions, will not be accepted. Attachments such as videotapes and working models will not be accepted and will be returned.

Other Enclosures

The Disclosure Document must be accompanied by a separate cover letter signed by the inventor stating that he or she is the inventor and requesting that the material be received under the Disclosure Document Program. The inventor's request may take the following form:

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

A Disclosure Document Deposit Request form (PTO/SB/95) can also be used as a cover letter. This form is available at the USPTO Web site at www.uspto.gov or by calling the USPTO Contact Center at 800-786-9199.

A notice with an identifying number and date of receipt in the USPTO will be mailed to the customer, indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired. The USPTO prefers that applicants send two copies of the cover letter or Disclosure Document Deposit Request form and one copy of the Disclosure Document, along with a self-addressed stamped envelope. The second copy of the cover letter or form will be returned with the notice. It is not necessary to submit more than one copy of the document in order for it to be accepted under the Disclosure Document Program.

Warnings to Inventors

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

Inventors are also reminded that any public use or sale in the United States or publication of the invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a U.S. patent on it. Foreign patent laws in this regard may be much more restrictive than U.S. laws.

The information in this brochure is general in nature and is not meant to substitute for advice provided by a patent practitioner. Applicants unfamiliar with the requirements of U.S. patent law and procedures should consult an attorney or agent registered to practice before the USPTO.

A list of the *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* can be viewed and searched at the USPTO web site at www.uspto.gov and examined without charge at Patent and Trademark Depository Libraries (PTDLs). The USPTO Contact Center Division (UCCD) will provide a list of names of attorneys and agents for a particular city or zip code for customers without web access. Call 800-786-9199. The list is available for purchase on DVD-ROM from the USPTO by calling 571-272-5600.

A print publication of the *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* is available from the Government Printing Office (GPO).

See the U.S. Government Printing Office web site at www.gpoaccess.gov, call 202-512-1800 or 1-866-512-1800, send a fax to 202-512-2250, or send e-mail to orders@gpo.gov for current price and availability information.

Disposition

The Disclosure Document is preserved in confidence by the USPTO for two years after its receipt without publication in accordance with 35 U.S.C. 122(b) effective November 29, 2000. It will then be destroyed unless it is referred to in a separate letter in a related patent application filed within the two-year period. The separate letter filed in the related patent application must identify not only the patent application, but also the Disclosure Document by its title, number, and date of receipt in the Patent and Trademark Office. Acknowledgment of such letters will be made in the next official communication or in a separate letter from the USPTO.

Fee

A filing fee of \$10.00 in the form of a check or money order made payable to "Commissioner for Patents" must accompany the Disclosure Document when it is submitted to the Patent and Trademark Office. Documents without the full fee will be returned. Applicants may request a copy of their Disclosure Document as filed in the United States Patent and Trademark Office if they are the original submitters of the document. The request must be made in writing and accompanied by a fee of \$25.00.

Fees are subject to change annually. To confirm current fees, call the USPTO Contact Center (UCC) Customer Representatives from 8:30 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except Federal holidays) at 800-786-9199. The current fee schedule and other information about the USPTO is found at the USPTO web site at www.uspto.gov.

Mailing Address

Mail the Disclosure Document with payment to:

Mail Stop DD
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Provisional Application for Patent

A disclosure document is NOT an information disclosure statement. Instead of filing a disclosure document, inventors are encouraged to file a Provisional Application for Patent. View information about this related service at the USPTO web site or request a print brochure by calling the USPTO Contact Center at 800-786-9199.

Patent and Trademark Depository Library (PTDL)

Contacts

The Inventors Assistance Center (IAC) is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Send e-mail to: IndependentInventor@USPTO.gov.
See www.uspto.gov/web/offices/pac/dapp/pacmain.html.

Send mail for the IAC including complaints about Invention Promoters to:

Mail Stop 24
Director of the U. S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

For further information call the USPTO Contact Center or access USPTO's web site at www.uspto.gov.

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