

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Understanding the Application Data Sheet (ADS): Little Things Make a Big Difference

Office of Innovation Development

Janice Tippett and Terry Dey

Email questions to:
inventorinfochat@uspto.gov

UNITED STATES
PATENT AND TRADEMARK OFFICE



Office of Innovation Development

- In Person Assistance (by appointment) for Pro Se Applicants
- Assistance Hotline 1-866-767-3848
- Patent Email Support innovationdevelopment@uspto.gov
- PTRC Partnership for Patent Education Courses
 - Virtual Assistance Pilot Program
- Inventor Outreach
 - Independent Inventor Conferences
 - Education for Inventor Organizations
- <http://www.uspto.gov/inventors>

Submit an ADS on Day of Filing

- The Office strongly recommends submitting an ADS with the application at the time of filing rather than after filing the application
- The ADS submitted upon filing must be properly signed by party under 37 CFR 1.33(b)
 - S-signature must be acceptable
 - Complete registration number (if a patent practitioner)
 - Printed name must accompany signature
 - If a juristic entity (*e.g.*, a company) is identified as the applicant then the ADS must be signed by a patent practitioner

Email questions to:
inventorinfochat@uspto.gov



Effect of a Properly Signed ADS

ADS

Properly signed

Establishes inventorship

Establishes applicant

Presents domestic benefit/foreign priority claims

Does NOT establish power of attorney

ADS

*Unsigned or **not** properly signed*

Does not set inventorship

Does not set applicant

Does not effectively present domestic benefit or foreign priority claims

Most information is disregarded and captured from other documents

Information captured from other sources will become "**of record**" and any changes to this information must be made using a properly signed, properly marked-up ADS

Email questions to:
inventorinfochat@uspto.gov

ADS Submitted After Filing

- All ADS submitted after filing must be properly marked up (37 CFR 1.76(c) and MPEP 601.05(a)).
 - **Even if it is the first ADS submitted**, because information was gathered from other documents upon filing and made of record
 - Changes should be shown relative to information of record
 - Informally called a “Corrected” ADS
- **Other papers and/or fees may need to accompany a Corrected ADS, depending on when it is filed and nature of changes**
 - Changes to applicant – request (Form AIA/41 or equivalent); § 3.73 Statement
 - Changes to entity status – certification, written statement, or petition may be required
 - Changes to inventorship – request (Form AIA/40 or equivalent), fees, statements, inventor’s oath or declaration may be required
 - Changes to domestic benefit or foreign priority claim may require a petition, fee and statement of unintentional delay

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inventorinfochat@uspto.gov



General Information

- OPAP will capture information as it is provided; we will not attempt to correct:
 - Transposed or misspelled names
 - Misspelled words in title
 - Incorrect application numbers in domestic benefit/priority claims

Email questions to:
inventorinfochat@uspto.gov



Domestic Benefit/Foreign Priority

- Domestic benefit or foreign priority data only captured from ADS – no consideration given to specification or any other document
- Benefit claims are captured as provided on ADS
- OPAP does not attempt to correct benefit claims that are missing, incorrect, improperly formatted, or not properly marked up

Email questions to:
inventorinfochat@uspto.gov



ADS Common Problems

Reference/Benefit/Priority Sections

- Reference filing section completed by mistake
 - Filing by Reference **is not** a benefit claim
- Domestic benefit or foreign priority data missing, incorrect, improperly formatted, not timely, or not properly marked up
- Inventor mailing address or residence not completed properly (i.e., city/state/country missing or not completed, invalid country name provided)

Email questions to:
inventorinfochat@uspto.gov



ADS and Inventor's Oath/Declaration

- When the ADS sets inventorship, the name provided on the inventor's oath or declaration must match the name set forth in the ADS
 - Both documents require legal name
 - If names do not match, new inventor's oath or declaration or § 1.48 request will be needed
 - Exception for character substitution for characters that cannot be entered on ADS (for example: ss for ß, ae for ä, oe for œ)

Email questions to:
inventorinfochat@uspto.gov



Corrected ADS in EFS-Web

- Office form – almost always best option
- Best way to avoid rejection due to improper markings
- Will retrieve information of record, eliminating guesswork as to what has been captured and is “of record” with the Office
- OPAP no longer captures non-established inventors; only “of record” info is recorded
- Some info will be recorded, but not shown on the filing receipt – mailing address, phone/fax/email

Email questions to:
inventorinfochat@uspto.gov



Web-based ADS and Corrected ADS

- Web-based ADS has a pre-population feature which can pre-populate inventor, benefit claim and foreign priority information
- Quick Start Guide for Web-based ADS

www.uspto.gov/sites/default/files/documents/Quick%20Start%20Guide%20WebADS.pdf

- Corrected Web-based ADS will pre-populate with information that the Office has of record and create the required markings
- Quick Start Guide for Corrected (Web-based) ADS

www.uspto.gov/sites/default/files/documents/Corrected-WebADS-QSG.pdf

Email questions to:
inventorinfochat@uspto.gov



Resources

- How to get help
 - Application Assistance Unit, 571-272-4000
 - Patents Ombudsman, 571-272-5555 or <https://www.uspto.gov/patent/ombudsman-program>
 - Inventor Assistance Center, 571-272-1000 or <https://www.uspto.gov/learning-and-resources/support-centers/inventors-assistance-center-iac>

Email questions to:
inventorinfochat@uspto.gov



Tips for Application Data Sheets

Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES
PATENT AND TRADEMARK OFFICE



Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22303-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
59/956,507	02/03/2014	3773	1260	45456-0102	12	1

CONFIRMATION NO. 7285

12346

FILING RECEIPT

Inventor(s)

Charles Jordan, Sr. Brooklyn, NY
Alexander Robert Thompson, New York, NY
Kwan Jian Pak Seoul, KOREA, REPUBLIC OF,

Applicant(s)

VICTOR PEST CONTROL COMPANY
Assignment For Published Patent Application
VICTOR PEST CONTROL COMPANY

Domestic Benefit Data

Power of Attorney: The patent practitioners associated with Customer Number 12346

Foreign Priority Data

Domestic Priority data as claimed by applicant
NONE

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.)

REPUBLIC OF KOREA 12-2013-004567892 10/2/2013

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

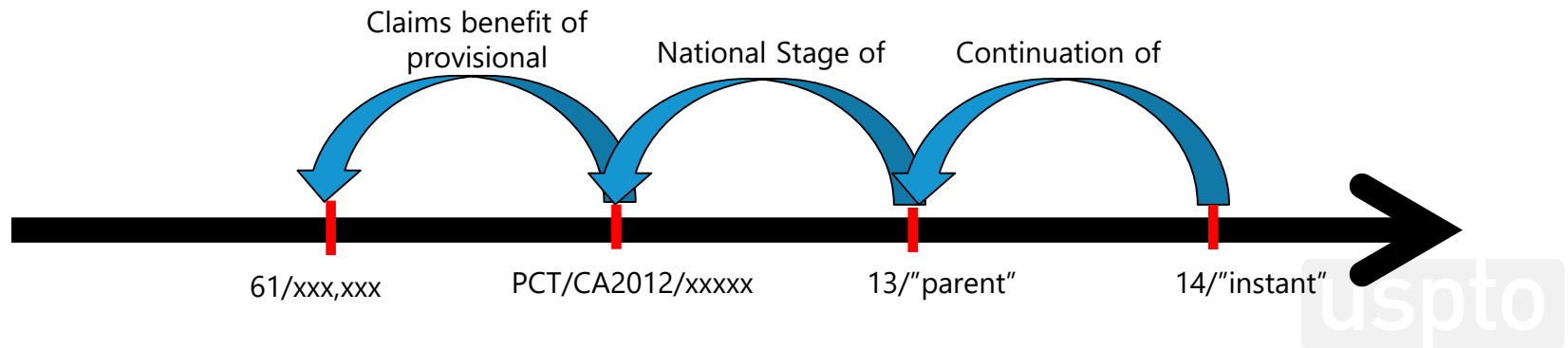
Check your filing receipt **promptly**. If something is wrong, take steps **immediately** to correct it.



Tips for Application Data Sheets

Former Domestic Benefit Claim Practice (in applications filed before September 16, 2012):

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-17.



Tips for Application Data Sheets: Newly Filed Application

(The portion of the benefit claim in red is shown on the ADS below)

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status	Pending			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	
	Continuation of	13/"parent"	2013-11-19	
Prior Application Status				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	
Prior Application Status				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	

(Leave this box blank to signify "This application is a")



Tips for Application Data Sheets: Newly Filed Application

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status		Remove	

No
Relationship
to instant
application
↓

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	Continuation of		2013-11-19
Prior Application Status		Remove	

Tips for Application Data Sheets

(The portion of the benefit claim in red is shown on the ADS in the second row)

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was [the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16](#), which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.



Tips for Application Data Sheets

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was [the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16](#), which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

These blanks will be read as "this application is" which is inappropriate because the instant application is not directly related to both applications.

Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Tips for Application Data Sheets

(The portion of the benefit claim in red is shown on the ADS in the third row)

Information captured on the filing receipt:

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status	Expired	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17
Additional Domestic Benefit by selecting the Add button.			

Note: "nonprovisional of" is also an acceptable relationship to a prior-filed provisional application

Email questions to: inventorinfochat@uspto.gov





Tips for Application Data Sheets

Where the application that you are filing includes more than one “chain” of domestic benefit claims, you can start a new chain by leaving the left box blank again to signify “This application is a.” For example, the application that you are filing may be a continuation of two different earlier nonprovisional applications. The benefit claim information that is captured on the filing receipt would read as follows:

Information captured on the filing receipt:

This application is a continuation of U.S. Application No. 13/“parent”, filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017; and is a continuation of U.S. Application No. 14/“parent”, filed 2014-03-27, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2013-04-10.

The next slide shows how the second benefit claim “chain” would be entered into the Application Data Sheet.



Tips for Application Data Sheets

(The portion of the benefit claim in red is shown on the ADS below)

Information captured on the filing receipt:

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017; and is a continuation of U.S. Application No. 14/"parent", filed 2014-03-27, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2013-04-10.

Prior Application Status	Expired		<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
PCT/CA2012/XXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17
X Prior Application Status	Pending		<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	14/"parent"	2014-03-27
Prior Application Status	Pending		<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
14/"parent"	Claims benefit of provisional	61/XXX,XXX	2013-04-10
Additional Domestic Benefit			<input type="button" value="Add"/>

(Left blank to signify "This application is a")

uspto

Tips for Application Data Sheets: Newly Filed Application

This application is a continuation of PCT/CCYYYY/NNNNNN filed on 2018-12-01, which is a continuation of U.S. Application No. NN/NNN,NNN filed on 2017-12-01, which claims benefit of U.S. Provisional Application No. PP/PPP,PP2, filed 2016-12-01 and which claims benefit of U.S. Provisional Application No. PP/PPP,PP1, filed on 2016-12-01.

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.

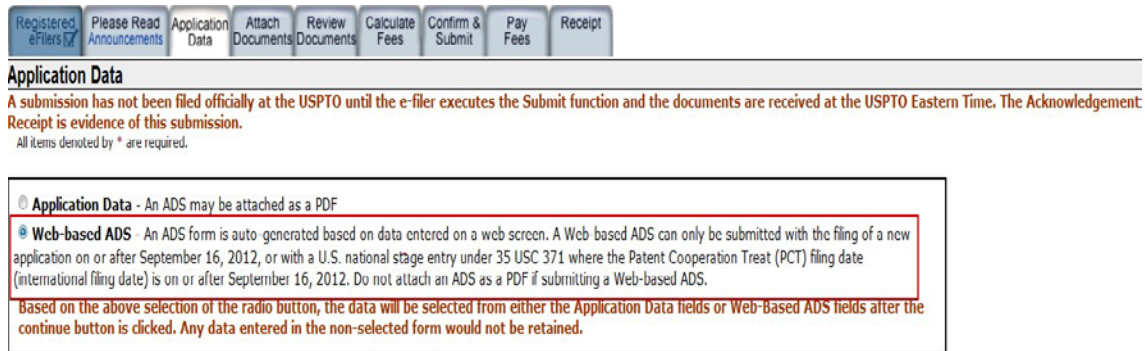
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	<input type="text"/>	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
<input type="text"/>	Continuation of	PCT/CCYYYY/NNNNNN	2018-12-01
Prior Application Status	Expired	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
PCT/CCYYYY/NNNNNN	Continuation of	NN/NNNNNN	2017-12-01
Prior Application Status	<input type="text"/>	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
NN/NNNNNN	Claims benefit of provisional	PP/PPPP2	2016-12-01
Prior Application Status	<input type="text"/>	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
PCT/CCYYYY/NNNNNN	Claims benefit of provisional	PP/PPPP1	2016-12-01
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			<input type="button" value="Add"/>



Enhanced Web Based ADS

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



Registered eFilers Please Read Announcements Application Data Attach Documents Review Documents Calculate Fees Confirm & Submit Pay Fees Receipt

Application Data

A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.
All items denoted by * are required.

Application Data - An ADS may be attached as a PDF

Web-based ADS - An ADS form is auto-generated based on data entered on a web screen. 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 USC 371 where the Patent Cooperation Treat (PCT) filing date (international filing date) is on or after September 16, 2012. Do not attach an ADS as a PDF if submitting a Web-based ADS.


Based on the above selection of the radio button, the data will be selected from either the Application Data fields or Web-based ADS fields after the continue button is clicked. Any data entered in the non-selected form would not be retained.

- 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.



Enhanced Web Based ADS

- Option to **pre-populate application information** based on a previously filed application.
- Data may be retrieved for:
 - Registered eFilers who have power of attorney in the parent application;
or
 - Both registered and non-registered eFilers if the parent application is made available to the public, i.e. published or patented.


Application Information Retrieval 			
To pre-fill the Inventor, Domestic Benefit/National Stage, and/or Foreign Priority Information based on previously filed patent application, complete the following fields below, and click the "Show" button. Verify the bibliographic data displayed, identify the section(s) in which to fill, and click the "Retrieve" button to populate data.			
Parent Application	<input type="text" value="12345678"/>	Confirmation No	<input type="text" value="1234"/> <input type="button" value="Show"/>
Parent Title:	<input type="text" value="THE INVENTION OF INVENTIONS AS SEEN BY INVENTORS"/>		
Parent First Named Inventor:	<input type="text" value="James Inventor"/>	Parent Filing Date:	<input type="text" value="12/12/2012"/>
<input type="checkbox"/> Inventor Information	<input type="checkbox"/> Domestic Benefit/National Stage Information	<input type="checkbox"/> Foreign Priority Information	<input type="button" value="Retrieve"/>

- 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.



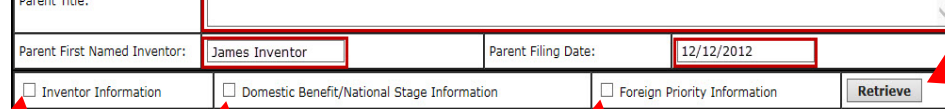
Enhanced Web Based ADS

- 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
- Check the appropriate boxes and click Retrieve.

Application Information Retrieval 

To pre-fill the Inventor, Domestic Benefit/National Stage, and/or Foreign Priority Information based on previously filed patent application, complete the following fields below, and click the "Show" button. Verify the bibliographic data displayed, identify the section(s) in which to fill, and click the "Retrieve" button to populate data.

Parent Application	<input type="text" value="12345678"/>	Confirmation No	<input type="text" value="1234"/>	<input type="button" value="Show"/>
Parent Title:	<input type="text" value="THE INVENTION OF INVENTIONS AS SEEN BY INVENTORS"/>			
Parent First Named Inventor:	<input type="text" value="James Inventor"/>	Parent Filing Date:	<input type="text" value="12/12/2012"/>	
<input type="checkbox"/> Inventor Information	<input type="checkbox"/> Domestic Benefit/National Stage Information	<input type="checkbox"/> Foreign Priority Information	<input type="button" value="Retrieve"/>	



- These steps may be repeated to retrieve data from multiple applications to create multiple chains of priority.
- 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.



Enhanced Web Based ADS

- 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.
- If more than one inventor is entered, the order can be changed by renumbering. Make sure each number is used only once.

Inventor Information:

* Inventor	1	To change the order of Inventors 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.			Remove
Legal Name					
Prefix	* Given Name	Middle Name	* Family Name	Suffix	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Residence Information (Select One)			<input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service		
* City	<input type="text"/>	State/Province	<input type="text"/>	* Country of Residence	<input type="text"/>
Mailing Address of Inventor:					
* Address 1	<input type="text"/>				
Address 2	<input type="text"/>				
* City	<input type="text"/>	State/Province	<input type="text"/>	<input type="text"/>	
Postal Code	<input type="text"/>	* Country	<input type="text"/>	<input type="text"/>	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					



Enhanced Web Based ADS

- 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 a Customer Number or if they do not have a Customer Number, select the checkbox and the section will expand to allow an address to be entered.

Correspondence Information:	
Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.	
* Customer Number	<input type="text" value=""/> or <input type="text"/>
Email Address	<input type="text"/> <input type="button" value="Add Email"/> <input type="button" value="Remove Email"/>



Filing by Reference

- The lower screen will not be visible unless Filing By Reference is selected.
- 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.
- 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.

<< FILING BY REFERENCE

Complete this section **ONLY** when filing by reference, click "<<" to expand/collapse section.

>> FILING BY REFERENCE ⓘ

Complete this section **ONLY** when filing by reference, click "<<" to expand/collapse section.

this section if application provided in the appropriate

by this reference to the

Authority or Country

Application number of the previously filed application

Filing Date (YYYY-MM-DD)

Intellectual Property At

ⓘ

Authority or Country	Application number of the previously filed application	Filing Date (YYYY-MM-DD)	Intellectual Property At
ⓘ	<input type="text"/>	<input type="text"/>	<input type="text"/>





“Take Home”



- Be sure to indicate the correct relationship and order of the domestic benefit applications listed on the ADS. If the order is incorrect, then the Office of Patent Application Processing (OPAP) may not accurately capture the entire benefit claim.
 - An example of an incorrect relationship is misidentifying a 111(a) CON as a 371 national stage entry of the PCT application, or vice versa
 - Another example is non-specific relationship identifiers (*e.g.*, “Continuing” is non-specific; must be Continuation, Divisional or CIP).
- The order of the applications should be listed beginning from the instant application and continuing through the list of parents in reverse chronological order (newest to oldest).

“Take Home” Cont.



- Do not the Filing by Reference section of the ADS unless you:
 - Absolutely intend to File by Reference, and
 - Are not filing a specification and drawings with your application papers.

- Ensure that your ADS is properly signed.
 - If multiple inventors are the applicant, the ADS must be signed by all of them unless POA is given to one or more to sign for all (e.g., PTO Form AIA/81)
 - If a juristic entity is named as the applicant in the Applicant Information section of the ADS, then the ADS must be signed by a patent practitioner.



Tips for Application Data Sheets

Scenario for correcting an ADS:

Initial filing receipt shows no domestic benefit claims because they were incorrectly entered on the initial ADS. The initial ADS contained the following information:

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Claims benefit of	13/"parent"	2013-11-19
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Continuation of	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.



Tips for Application Data Sheets

Scenario for correcting an ADS:

Initial filing receipt shows no domestic benefit claims because they were incorrectly entered on the initial ADS. An appropriate and timely, **corrected ADS** with markings to show changes relative to the information of record, as shown below, will be effective.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	<u>Continuation of</u>	<u>13/"parent"</u>	<u>2013-11-19</u>
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
<u>13/"parent"</u>	<u>a 371 of international</u>	<u>PCT/CA2012/XXXXX</u>	<u>2012-05-16</u>
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
<u>PCT/CA2012/XXXXX</u>	<u>Claims benefit of provisional</u>	<u>61/XXX,XXX</u>	<u>2011-05-17</u>

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.



Tips for Application Data Sheets

Scenario for correcting an ADS:

Where information of record is being changed, the ADS should identify the information being deleted with strike-through or brackets, and should identify the information being added with underlining.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this 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.

Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of Division of	13/"parent"	2013-11-19
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.





Tips for Application Data Sheets

- A corrected ADS should be accompanied by a properly identified/indexed paper requesting action, such as,
 - a **request for a corrected filing receipt** or
 - a request to correct inventorship (§ 1.48 request)
 - a request to change the applicant (under § 1.46(c))

- It is important to use the proper document code when filing documents via EFS-Web
 - Many document codes have auto-messaging tied to them; use of a specific code will notify the office responsible for the processing of that document type
 - Use of the wrong document code can delay processing of the papers



Upcoming OI Events

- July 19 – Inventor Info Chat: Options for Foreign Filing Including PCT
- August 17-18, 2018 – Invention Con – *Concept to Commercialization*
- For more information or to register for any of the above events contact us at oidevents@uspto.gov

<https://www.uspto.gov/patents-application-process/inventor-info-chat>





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Thank You!

Send your questions to:

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To inquire about OID services please contact us at:

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Presented By:

Janice Tippett and Terry Dey

Office of Patent Application Processing (OPAP)



Email questions to:
inventorinfochat@uspto.gov

