

Patent Laws and Regulations

- (vi) CURRENT APPLICATION DATA (M, if available):
 - (A) APPLICATION NUMBER (U.S. application number, including a series code, a slash and a serial number, or U.S. PCT application number, including the letters PCT, a slash, a two letter code indicating the U.S. as the Receiving Office, a two digit indication of the year, a slash and a five digit number, if available):
 - (B) FILING DATE (U.S. or PCT application filing date, if available; specify as dd-MMM-yyyy):
 - (C) CLASSIFICATION (IPC/US classification or F-term designation, where F-terms have been developed, if assigned, specify each designation, left justified, within an eighteen position alpha numeric field - rep, to a maximum of ten classification designations):
- (vii) PRIOR APPLICATION DATA (prior domestic, foreign priority or international application data, if applicable - M/rep):
 - (A) APPLICATION NUMBER (application number; specify as two letter country code and an eight digit application number; or if a PCT application, specify as the letters PCT, a slash, a two letter code indicating the Receiving Office, a two digit indication of the year, a slash and a five digit number):
 - (B) FILING DATE (document filing date, specify as dd-MMM-yyyy):
- (viii) ATTORNEY/AGENT INFORMATION (O):
 - (A) NAME (attorney/agent name; SURNAME comma OTHER NAMES and/or INITIALS):
 - (B) REGISTRATION NUMBER (attorney/agent registration number):
 - (C) REFERENCE/DOCKET NUMBER (attorney/agent reference or docket number):
- (ix) TELECOMMUNICATION INFORMATION (O):
 - (A) TELEPHONE (telephone number of applicant or attorney/agent):
 - (B) TELEFAX (telefax number of applicant or attorney/agent):
 - (C) TELEX (telex number of applicant or attorney/ agent):
- (2) INFORMATION FOR SEQ ID NO: X (rep):
 - (i) SEQUENCE CHARACTERISTICS (M):
 - (A) LENGTH (sequence length, expressed as number of base pairs or amino acid residues):
 - (B) TYPE (sequence type, i.e., whether nucleic acid or amino acid):
 - (C) STRANDEDNESS (if nucleic acid, number of strands of source organism molecule, i.e., whether single stranded, double stranded, both or unknown to applicant):
 - (D) TOPOLOGY (whether source organism molecule is circular, linear, both or unknown to applicant):
 - (ii) MOLECULE TYPE (type of molecule sequenced in SEQ ID NO:X (at least one of the following should be included with subheadings, if any, in Sequence Listing - R)):
 - Genomic RNA;
 - Genomic DNA;
 - mRNA
 - tRNA;
 - rRNA;
 - snRNA;

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- scRNA;
 - preRNA;
 - cDNA to genomic RNA;
 - cDNA to mRNA;
 - cDNA to tRNA;
 - cDNA to rRNA;
 - cDNA to snRNA;
 - cDNA to scRNA;
 - Other nucleic acid;
- (A) DESCRIPTION (four lines maximum):
- protein and
 - peptide.
- (iii) HYPOTHETICAL (yes/no - R):
- (iv) ANTI-SENSE (yes/no - R):
- (v) FRAGMENT TYPE (for proteins and peptides only, at least one of the following should be included in the Sequence Listing - R):
- N-terminal fragment;
 - C-terminal fragment and
 - internal fragment.
- (vi) ORIGINAL SOURCE (original source of molecule sequenced in SEQ ID NO:X - R):
- (A) ORGANISM (scientific name of source organism):
 - (B) STRAIN:
 - (C) INDIVIDUAL ISOLATE (name/number of individual/isolate):
 - (D) DEVELOPMENTAL STAGE (give developmental stage of source organism and indicate whether derived from germ-line or rearranged developmental pattern):
 - (E) HAPLOTYPE:
 - (F) TISSUE TYPE:
 - (G) CELL TYPE:
 - (H) CELL LINE:
 - (I) ORGANELLE:
- (vii) IMMEDIATE SOURCE (immediate experimental source of the sequence in SEQ ID NO:X - R):
- (A) LIBRARY (library -type,name):
 - (B) CLONE (clone(s)):
- (viii) POSITION IN GENOME (position of sequence in SEQ ID NO:X in genome - R):
- (A) CHROMOSOME/SEGMENT (chromosome/segment-name/number):
 - (B) MAP POSITION:
 - (C) UNITS (units for map position, i.e., whether units are genome percent, nucleotide number or other/specify):
- (ix) FEATURE (description of points of biological significance in the sequence in SEQ ID NO:X -R/rep):
- (A) NAME/KEY (provide appropriate identifier for feature - four lines maximum):

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- (B) LOCATION (specify location according to syntax of DDBJ/EMBL/GenBank Feature Tables Definition, including whether feature is on complement of presented sequence; where appropriate state number of first and last bases/amino acids in feature - four lines maximum):
- (C) IDENTIFICATION METHOD (method by which the feature was identified, i.e., by experiment, by similarity with known sequence or to an established consensus sequence, or by similarity to some other pattern - four lines maximum):
- (D) OTHER INFORMATION (include information on phenotype conferred, biological activity of sequence or its product, macromolecules which bind to sequence or its product, or other relevant information - four lines maximum):
- (x) PUBLICATION INFORMATION (Repeat section for each relevant publication - O/rep):
 - (A) AUTHORS (maximum of first ten named authors of publication; specify one name per line: SURNAME comma OTHER NAMES and/or INITIALS - rep):
 - (B) TITLE (title of publication):
 - (C) JOURNAL (journal name in which data published):
 - (D) VOLUME (journal volume in which data published):
 - (E) ISSUE (journal issue number in which data published):
 - (F) PAGES (journal page numbers in which data published):
 - (G) DATE (journal date in which data published; specify as dd-MMM-yyyy, MMM-yyyy or Season-yyyy):
 - (H) DOCUMENT NUMBER (document number, for patent type citations only; specify as two letter country code, eight digit document number (right justified), one letter and, as appropriate, one number or a space as a document type code; or if a PCT application, specify as the letters PCT, a slash, a two letter code indicating the Receiving Office, a two digit indication of the year, a slash and a five digit number; or if a PCT publication, specify as the two letters WO, a two digit indication of the year, a slash and a five digit publication number):
 - (I) FILING DATE (document filing date, for patent-type citations only; specify as dd-MMM-yyyy):
 - (J) PUBLICATION DATE (document publication date; for patent-type citations only, specify as dd-MMM-yyyy):
 - (K) RELEVANT RESIDUES IN SEQ ID NO:X (rep): FROM (position) TO (position)
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:X:

[Added 55 FR 18230, May 1, 1990, effective Oct. 1, 1990]

37 CFR 1.824 Form and format for nucleotide and/or amino acid sequence submissions in computer readable form.

(a) The computer readable form required by w1.821(e) shall contain a printable copy of the "Sequence Listing," as defined in §§ 1.821(c), 1.822 and 1.823, recorded as a single file on either a diskette or a magnetic tape. The computer readable form shall be encoded and formatted such that a printed copy of the "Sequence Listing" may be recreated using the print commands of the computer/operating-system configurations specified in paragraph (f) of this section.

(b) The file in paragraph (a) of this section shall be encoded in a subset of the American Standard Code for Information Interchange (ASCII). This subset shall consist of all the printable

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ASCII characters including the ASCII space character plus line-termination, pagination and end-of-file characters associated with the computer/operating-system configurations specified in paragraph (f) of this section. No other characters shall be allowed.

(c) The computer readable form may be created by any means, such as word processors, nucleotide/amino acid sequence editors or other custom computer programs; however, it shall be readable by one of the computer/operating-system configurations specified in paragraph (f) of this section, and shall conform to the specifications in paragraphs (a) and (b) of this section.

(d) The entire printable copy of the "Sequence Listing" shall be contained within one file on a single diskette or magnetic tape unless it is shown to the satisfaction of the Commissioner that it is not practical or possible to submit the entire printable copy of the "Sequence Listing" within one file on a single diskette or magnetic tape.

(e) The submitted diskette or tape shall be write-protected such as by covering or uncovering diskette holes, removing diskette write tabs or removing tape write rings.

(f) As set forth in paragraph (c), above, any means may be used to create the computer readable form, as long as the following conditions are satisfied. A submitted diskette shall be readable on one of the computer/operating-system configurations described in paragraphs (1) through (3), below. A submitted tape shall satisfy the format specifications described in paragraph (4), below.

- (1) Computer: IBM PC/XT/AT, IBM PS/2 or compatibles;
 - (i) Operating system: PC-DOS or MS-DOS (Versions 2.1 or above);
 - (ii) Line Terminator: ASCII Carriage Return plus ASCII Line Feed;
 - (iii) Pagination: ASCII Form Feed or Series of Line Terminators;
 - (iv) End-of-File: ASCII SUB (Ctrl-Z);
 - (v) Media:
 - (A) Diskette - 5.25 inch, 360 Kb storage;
 - (B) Diskette - 5.25 inch, 1.2 Mb storage;
 - (C) Diskette - 3.50 inch, 720 Kb storage;
 - (D) Diskette - 3.50 inch, 1.44 Mb storage;
 - (vi) Print Command: PRINT filename.extension;
- (2) Computer: IBM PC/XT/AT, IBM PS/2 or compatibles;
 - (i) Operating system: Xenix;
 - (ii) Line Terminator: ASCII Carriage Return;
 - (iii) Pagination: ASCII Form Feed or Series of Line Terminators;
 - (iv) End-of-File: None;
 - (v) Media:
 - (A) Diskette - 5.25 inch, 360 Kb storage;
 - (B) Diskette - 5.25 inch, 1.2 Mb storage;
 - (C) Diskette - 3.50 inch, 720 Kb storage;
 - (D) Diskette - 3.50 inch, 1.44 Mb storage;
 - (vi) Print Command: lpr filename;
- (3) Computer: Apple Macintosh;
 - (i) Operating System: Macintosh;
 - (ii) Macintosh File Type: text with line termination
 - (iii) Line Terminator: Pre-defined by text type file;

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- (iv) Pagination: Pre-defined by text type file;
- (v) End-of-file: Pre-defined by text type file;
- (vi) Media:
 - (A) Diskette - 3.50 inch, 400 Kb storage;
 - (B) Diskette - 3.50 inch, 800 Kb storage;
 - (C) Diskette - 3.50 inch, 1.4 Mb storage;
- (vii) Print Command: Use PRINT command from any Macintosh Application that processes text files, such as MacWrite or TeachText;
- (4) Magnetic tape: 0.5 inch, up to 2400 feet;
 - (i) Density: 1600 or 6250 bits per inch, 9 track;
 - (ii) Format: raw, unblocked;
 - (iii) Line Terminator: ASCII Carriage Return plus optional ASCII Line Feed;
 - (iv) Pagination: ASCII Form Feed or Series of Line Terminators;
 - (v) Print Command (Unix shell version given here as sample response - mt/dev/rmt0; lpr/dev/rmt0):

(g) Computer readable forms that are submitted to the Office will not be returned to the applicant.

(h) All computer readable forms shall have a label permanently affixed thereto on which has been hand printed or typed, a description of the format of the computer readable form as well as the name of the applicant, the title of the invention, the date on which the data were recorded on the computer readable form and the name and type of computer and operating system which generated the files on the computer readable form. If all of this information can not be printed on a label affixed to the computer readable form, by reason of size or otherwise, the label shall include the name of the applicant and the title of the invention and a reference number, and the additional information may be provided on a container for the computer readable form with the name of the applicant, the title of the invention, the reference number and the additional information affixed to the container. If the computer readable form is submitted after the date of filing under 35 U.S.C. 111, after the date of entry in the national stage under 35 U.S.C. 371 or after the time of filing, in the United States Receiving Office, an international application under the PCT, the labels mentioned herein must also include the date of the application and the application number, including series code and serial number.

[Added 55 FR 18230, May 1, 1990, effective Oct. 1, 1990]

37 CFR 1.825 Amendments to or replacement of sequence listing and computer readable copy thereof.

(a) Any amendment to the paper copy of the "Sequence Listing" (§ 1.821(c)) must be made by the submission of substitute sheets. Amendments must be accompanied by a statement that indicates support for the amendment in the application, as filed, and a statement that the substitute sheets include no new matter. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

(b) Any amendment to the paper copy of the "Sequence Listing," in accordance with paragraph (a) of this section must be accompanied by a substitute copy of the computer readable form (§ 1.821(e)) including all previously submitted data with the amendment incorporated therein, accompanied by a statement that the copy in computer readable form is the same as the substitute copy of the "Sequence Listing." Such a statement must be a verified statement if made by a person not registered to practice before the Office.

(c) Any appropriate amendments to the "Sequence Listing" in a patent; e.g., by reason of reissue or certificate of correction must comply with the requirements of paragraphs (a) and (b) of this section.

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(d) If, upon receipt, the computer readable is found to be damaged or unreadable, applicant must provide, within such time as set by the Commissioner, a substitute copy of the data in computer readable form accompanied by a statement that the substitute data is identical to that originally filed. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

[Added 55 FR 18230, May 1, 1990, effective Oct. 1, 1990]

Appendix A — SAMPLE SEQUENCE LISTING**(1) GENERAL INFORMATION:**

- (i) APPLICANT: Doe, Joan X Doe, John Q
- (ii) TITLE OF INVENTION: Isolation and Characterization of a Gene Encoding a Protease from Paramecium sp.
- (iii) NUMBER OF SEQUENCES: 2
- (iv) CORRESPONDENCE ADDRESS:
 - (A) ADDRESSEE: Smith and Jones
 - (B) STREET: 123 Main Street
 - (C) CITY: Smalltown
 - (D) STATE: Any state
 - (E) COUNTRY: USA
 - (F) ZIP: 12345
- (v) COMPUTER READABLE FORM:
 - (A) MEDIUM TYPE: Diskette, 3.50 inch, 800 Kb storage
 - (B) COMPUTER: Apple Macintosh
 - (C) OPERATING SYSTEM: Macintosh 5.0
 - (D) SOFTWARE: MacWrite
- (vi) CURRENT APPLICATION DATA:
 - (A) APPLICATION NUMBER: 09/999,999
 - (B) FILING DATE: 28-FEB-1989
 - (C) CLASSIFICATION: 999/99
- (vii) PRIOR APPLICATION DATA:
 - (A) APPLICATION NUMBER: PCT/US88/99999
 - (B) FILING DATE: 01-MAR-1988
- (viii) ATTORNEY/AGENT INFORMATION:
 - (A) NAME: Smith, John A
 - (B) REGISTRATION NUMBER: 00001
 - (C) REFERENCE/DOCKET NUMBER: 01-0001
- (ix) TELECOMMUNICATION INFORMATION:
 - (A) TELEPHONE: (909) 999-0001
 - (B) TELEFAX: (909) 999-0002

(2) INFORMATION FOR SEQ ID NO:1:

- (i) SEQUENCE CHARACTERISTICS:

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- (A) LENGTH: 954 base pairs
- (B) TYPE: nucleic acid
- (C) STRANDEDNESS: single
- (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: genomic DNA
- (iii) HYPOTHETICAL: yes
- (iv) ANTI-SENSE: no
- (vi) ORIGINAL SOURCE:
 - (A) ORGANISM: Paramecium sp
 - (C) INDIVIDUAL/ISOLATE: XYZ2
 - (G) CELL TYPE: unicellular organism
- (vii) IMMEDIATE SOURCE:
 - (A) LIBRARY: genomic
 - (B) CLONE: Para-XYZ2/36
- (x) PUBLICATION INFORMATION:
 - (A) AUTHORS: Doe, Joan X Doe, John Q
 - (B) TITLE: Isolation and Characterization of a Gene Encoding a Protease from Paramecium sp.
 - (C) JOURNAL: Fictional Genes
 - (D) VOLUME: I
 - (E) ISSUE: 1
 - (F) PAGES: 1-20
 - (G) DATE: 02-MAR-1988
 - (K) RELEVANT RESIDUES IN SEQ ID NO:1: FROM 1 TO 954
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:1:
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:1:

ATCGGGATAG TACTGGTCAA GACCGGTGGA CACCGGTAA CCCCAGTTAA GTACCGGTAA 60
 TAGGCCATTT CAGGCCAAAT GTGCCCAACT ACGCCAATTG TTTTGCCAAC GGCCAACGTT 120
 ACGTTCGTAC GCACGTATGT ACCTAGGTAC TTACGGACGT GACTACGGAC ACTTCCGTAC 180
 GTACGTACGT TTACGTACCC ATCCCAACGT AACCACAGTG TGGTCGCAGT GTCCCAGTGT 240
 ACACAGACTG CCAGACATTC TTCACAGACA CCCC ATG ACA CCA CCT GAA CGC CTC 295

Met Thr Pro Pro Glu Arg Leu

-30

TTC CTC CCA AGG GTG TGT GGC ACC ACC CTA CAC CTC CTC CTT CTG GGG 343
 Phe Leu Pro Arg Val Cys Gly Thr Thr Leu His Leu Leu Leu Leu Gly

-25

-20

-15

CTG CTG CTG GTT CTG CTG CCT GGG GCC CAT GTGAGGCAGC AGGAGAATGG 393
 Leu Leu Leu Val Leu Leu Pro Gly Ala His

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-10

-5

GGTGGCTCAG CCAAACCTTG AGCCCTAGAG CCCCCCTCAA CTCTGTTCTC CTAG GGG 450
Gly
CTC ATG CAT CTT GCC CAC AGC AAC CTC AAA CCT GCT GCT CAC CTC ATT 498
Leu Met His Leu Ala His Ser Asn Leu Lys Pro Ala Ala His Leu Ile
1 5 10 15
GTAAACATCC ACCTGACCTC CCAGACATGT CCCCACCAGC TCTCCTCCTA CCCCTGCCTC 558
AGGAACCCAA GCATCCACCC CTCTCCCCCA ACTTCCCCCA CGCTAAAAAA AACAGAGGGA 618
GCCCCTCCT ATGCCTCCCC CTGCCATCCC CCAGGAACTC AGTTGTTTCTG TGCCCACTTC 678
TAC CCC AGC AAG CAG AAC TCA CTG CTC TGG AGA GCA AAC ACG GAC CGT 726
Tyr Pro Ser Lys Gln Asn Ser Leu Leu Trp Arg Ala Asn Thr Asp Arg
20 25 30
GCC TTC CTC CAG GAT GGT TTC TCC TTG AGC AAC AAT TCT CTC CTG GTC 774
Ala Phe Leu Gln Asp Gly Phe Ser Leu Ser Asn Asn Ser Leu Leu Val
35 40 45
TAGAAAAAAT AATTGATTTC AAGACCTTCT CCCCATTCTG CCTCCATTCT GACCATTTC 834
GGGGTCGTCA CCACCTCTCC TTTGGCCATT CCAACAGCTC AAGTCTTCCC TGATCAAGTC 894
ACCGGAGCTT TCAAAGAAGG AATTCTAGGC ATCCCAGGGG ACCCACACCT CCCTGAACCA 954

(2) INFORMATION FOR SEQ ID NO:2:

(i) SEQUENCE CHARACTERISTICS:

- (A) LENGTH: 82 amino acids
- (B) TYPE: amino acid
- (D) TOPOLOGY: linear

(ii) MOLECULE TYPE: protein

(ix) FEATURE:

- (A) NAME/KEY: signal sequence
- (B) LOCATION: -34 to -1
- (C) IDENTIFICATION METHOD: similarity to other signal sequences, hydrophobic
- (D) OTHER INFORMATION: expresses protease

(x) PUBLICATION INFORMATION:

- (A) AUTHORS: Doe, Joan X, Doe, John Q
- (B) TITLE: Isolation and Characterization of a Gene Encoding a Protease from Paramecium sp.
- (C) JOURNAL: Fictional Genes
- (D) VOLUME: I
- (E) ISSUE: 1
- (F) PAGES: 1-20

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(G) DATE: 02-MAR-1988

(K) RELEVANT RESIDUES IN SEQ ID NO:2: FROM -34 TO 48

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:2:

Met	Thr	Pro	Pro	Glu	Arg	Leu	Phe	Leu	Pro	Arg	Val	Cys	Gly	Thr	Thr
				-30				-25					-20		
Leu	His	Leu	Leu	Leu	Leu	Gly	Leu	Leu	Leu	Val	Leu	Leu	Pro	Gly	Ala
			-15					-10					-5		
His	Gly	Leu	Met	His	Leu	Ala	His	Ser	Asn	Leu	Lys	Pro	Ala	Ala	His
		1			5					10					
Leu	Ile	Tyr	Pro	Ser	Lys	Gln	Asn	Ser	Leu	Leu	Trp	Arg	Ala	Asn	Thr
15					20				25				30		
Asp	Arg	Ala	Phe	Leu	Gln	Asp	Gly	Phe	Ser	Leu	Ser	Asn	Asn	Ser	Leu
				35				40					45		
Leu	Val														

[Added 55 FR 18230, May 1, 1990, effective Oct. 1, 1990]

**Appendix B — HEADINGS FOR INFORMATION ITEMS IN
§ 1.823**

- (1) GENERAL INFORMATION:
 - (i) APPLICANT:
 - (ii) TITLE OF INVENTION:
 - (iii) NUMBER OF SEQUENCES:
 - (iv) CORRESPONDENCE ADDRESS:
 - (A) ADDRESSEE:
 - (B) STREET:
 - (C) CITY:
 - (D) STATE:
 - (E) COUNTRY:
 - (F) ZIP:
 - (v) COMPUTER READABLE FORM:
 - (A) MEDIUM TYPE:
 - (B) COMPUTER:
 - (C) OPERATING SYSTEM:
 - (D) SOFTWARE:
 - (vi) CURRENT APPLICATION DATA :
 - (A) APPLICATION NUMBER:
 - (B) FILING DATE:
 - (C) CLASSIFICATION:

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- (vii) PRIOR APPLICATION DATA:
 - (A) APPLICATION NUMBER:
 - (B) FILING DATE:
- (viii) ATTORNEY/AGENT INFORMATION :
 - (A) NAME:
 - (B) REGISTRATION NUMBER:
 - (C) REFERENCE/DOCKET NUMBER:
- (ix) TELECOMMUNICATION INFORMATION:
 - (A) TELEPHONE:
 - (B) TELEFAX:
 - (C) TELEX:
- (2) INFORMATION FOR SEQ ID NO: X:
 - (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH:
 - (B) TYPE:
 - (C) STRANDEDNESS:
 - (D) TOPOLOGY:
 - (ii) MOLECULE TYPE:
 - Genomic RNA;
 - Genomic DNA;
 - mRNA
 - tRNA;
 - rRNA;
 - snRNA;
 - scRNA;
 - preRNA;
 - cDNA to genomic RNA;
 - cDNA to mRNA;
 - cDNA to tRNA;
 - cDNA to rRNA;
 - cDNA to snRNA;
 - cDNA to scRNA;
 - Other nucleic acid;
 - (A) DESCRIPTION:
 - protein and
 - peptide.
 - (iii) HYPOTHETICAL:
 - (iv) ANTI-SENSE:

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- (v) FRAGMENT TYPE:
- (vi) ORIGINAL SOURCE:
 - (A) ORGANISM:
 - (B) STRAIN:
 - (C) INDIVIDUAL ISOLATE:
 - (D) DEVELOPMENTAL STAGE:
 - (E) HAPLOTYPE:
 - (F) TISSUE TYPE:
 - (G) CELL TYPE:
 - (H) CELL LINE:
 - (I) ORGANELLE:
- (vii) IMMEDIATE SOURCE:
 - (A) LIBRARY:
 - (B) CLONE:
- (viii) POSITION IN GENOME:
 - (A) CHROMOSOME/SEGMENT:
 - (B) MAP POSITION:
 - (C) UNITS:
- (ix) FEATURE:
 - (A) NAME/KEY:
 - (B) LOCATION:
 - (C) IDENTIFICATION METHOD:
 - (D) OTHER INFORMATION:
- (x) PUBLICATION INFORMATION:
 - (A) AUTHORS:
 - (B) TITLE:
 - (C) JOURNAL:
 - (D) VOLUME:
 - (E) ISSUE:
 - (F) PAGES:
 - (G) DATE:
 - (H) DOCUMENT NUMBER:
 - (I) FILING DATE:
 - (J) PUBLICATION DATE:
 - (K) RELEVANT RESIDUES :
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO:X:

[Added 55 FR 18230, May 1, 1990, effective Oct. 1, 1990]

PART 3—ASSIGNMENT, RECORDING, AND RIGHTS OF ASSIGNEE

Sec.

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37 CFR 3.1 Definitions.

For purposes of this part, the following definitions shall apply:

Application means a national application for patent, an international application that designates the United States of America, or an application to register trademark unless otherwise indicated.

Assignment means a transfer by a party of all or part of its right, title and interest in a patent or patent application, or a transfer of its entire right, title and interest in a registered mark or a mark for which an application to register has been filed.

Document means a document which a party requests to be recorded in the Office pursuant to § 3.11 and which affects some interest in an application, patent, or registration.

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Office means the Patent and Trademark Office.

Recorded document means a document which has been recorded in the Office pursuant to § 3.11.

Registration means a trademark registration issued by the Office.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

DOCUMENTS ELIGIBLE FOR RECORDING**37 CFR 3.11 Documents which will be recorded.**

Assignments of applications, patents, and registrations, accompanied by completed cover sheets as specified in §§ 3.28 and 3.31, will be recorded in the Office. Other documents, accompanied by completed cover sheets as specified in §§ 3.28 and 3.31, affecting title to applications, patents, or registrations, will be recorded as provided in this Part or at the discretion of the Commissioner.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

37 CFR 3.16 Assignability of trademarks prior to filing of use statement.

No application to register a mark under 15 U.S.C. 1051(b) is assignable prior to the filing of the verified statement of use under 15 U.S.C. 1051(d) except to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

REQUIREMENTS FOR RECORDING**37 CFR 3.21 Identification of patents and patent applications.**

An assignment relating to a patent must identify the patent by the patent number. An assignment relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the serial number, e.g., 07/123,456). An assignment relating to an international patent application which designates the United States of America must identify the international application by the international application number (e.g., PCT/US90/01234). If an assignment of a patent application filed under § 1.53(b)(1) or § 1.62 is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the invention so that there can be no mistake as to the patent application intended. If an assignment of a provisional application is executed before the provisional application is filed, it must identify the provisional application by name of each inventor and title of the invention so that there can be no mistake as to the provisional application intended.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992; amended, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995]

37 CFR 3.24 Formal requirements for documents and cover sheets.

The document and cover sheet must be legible. Either the original document or a true copy of the original document, may be submitted for recording. Only one side of each page shall be used. The paper used should be flexible, strong white, non-shiny, durable, and preferably no larger than 21.6 x 33.1 cm. (8 1/2 x 14 inches) with a 2.5 cm. (one-inch) margin on all sides.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

37 CFR 3.26 English language requirement.

The Office will accept and record non-English language documents only if accompanied by a verified English translation signed by the individual making the translation.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

37 CFR 3.27 Mailing address for submitting documents to be recorded.

Documents and cover sheets to be recorded should be addressed to the Commissioner of Patents

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and Trademarks, Box Assignments, Washington, D.C. 20231, unless they are filed together with new applications or with a petition under § 3.81(b).

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

37 CFR 3.28 Requests for recording.

Each document submitted to the Office for recording must be accompanied by at least one cover sheet as specified in § 3.31 referring either to those patent applications and patents, or to those trademark applications and registrations, against which the document is to be recorded. If a document to be recorded includes interests in, or transactions involving, both patents and trademarks, separate patent and trademark cover sheets must be submitted. Only one set of documents and cover sheets to be recorded should be filed. If a document to be recorded is not accompanied by a completed cover sheet, the document and any incomplete cover sheet will be returned pursuant to § 3.51 for proper completion of a cover sheet and resubmission of the document and a completed cover sheet.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

COVER SHEET REQUIREMENTS**37 CFR 3.31 Cover sheet content.**

- (a) Each patent or trademark cover sheet required by § 3.28 must contain:
- (1) the name of the party conveying the interest;
 - (2) the name and address of the party receiving the interest;
 - (3) a description of the interest conveyed or transaction to be recorded;
 - (4) each application number, patent number or registration number against which the document is to be recorded, or an indication that the document is filed together with a patent application;
 - (5) the name and address of the party to whom correspondence concerning the request to record the document should be mailed;
 - (6) the number of applications, patents, or registrations identified in the cover sheet and the total fee;
 - (7) the date the document was executed;
 - (8) an indication that the assignee of a trademark application or registration who is not domiciled in the United States has designated a domestic representative (see § 3.61); and
 - (9) a statement by the party submitting the document that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original document; and
 - (10) the signature of the party submitting the document.
- (b) A cover sheet may not refer to both patents and trademarks.

[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]

37 CFR 3.34 Correction of cover sheet errors.

- (a) An error in a cover sheet recorded pursuant to 3.11 will be corrected only if:
- (1) the error is apparent when the cover sheet is compared with the recorded document to which it pertains and
 - (2) a corrected cover sheet is filed for recordation.
- (b) The corrected cover sheet must be accompanied by the originally recorded document or a copy of the originally recorded document and by the recording fee as set forth in § 3.41.

*Patent Laws and Regulations**[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]***FEES****37 CFR 3.41 Recording fees.**

All requests to record documents must be accompanied by the appropriate fee. A fee is required for each application, patent and registration against which the document is recorded as identified in the cover sheet. The recording fee is set in § 1.21(h) of this Chapter for patents and in § 2.6(q) of this Chapter for trademarks.

*[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]***DATE AND EFFECT OF RECORDING****37 CFR 3.51 Recording date.**

The date of recording of a document is the date the document meeting the requirements for recording set forth in this Part is filed in the Office. A document which does not comply with the identification requirements of § 3.21 will not be recorded. Documents not meeting the other requirements for recording, for example, a document submitted without a completed cover sheet or without the required fee, will be returned for correction to the sender where a correspondence address is available. The returned papers, stamped with the original date of receipt by the Office, will be accompanied by a letter which will indicate that if the returned papers are corrected and resubmitted to the Office within the time specified in the letter, the Office will consider the original date of filing of the papers as the date of recording of the document. The certification procedure under either § 1.8 or § 1.10 of this Chapter may be used for resubmissions of returned papers to have the benefit of the date of deposit in the United States Postal Service. If the returned papers are not corrected and resubmitted within the specified period, the date of filing of the corrected papers will be considered to be the date of recording of the document. The specified period to resubmit the returned papers will not be extended.

*[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]***37 CFR 3.54 Effect of recording.**

The recording of a document pursuant to § 3.11 is not a determination by the Office of the validity of the document or the effect that document has on the title to an application, a patent, or a registration. When necessary, the Office will determine what effect a document has, including whether a party has the authority to take an action in a matter pending before the Office.

*[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]***37 CFR 3.56 Conditional assignments.**

Assignments which are made conditional on the performance of certain acts or events, such as the payment of money or other condition subsequent, if recorded in the Office, are regarded as absolute assignments for Office purposes until cancelled with the written consent of all parties or by the decree of a court of competent jurisdiction. The Office does not determine whether such conditions have been fulfilled.

*[Added, 57 FR 29634, July 6, 1992, effective Sept. 4, 1992]***DOMESTIC REPRESENTATIVE****37 CFR 3.61 Domestic representative.**

If the assignee of a trademark application or registration is not domiciled in the United States, the assignee must designate, in writing to the Office, a domestic representative. An assignee of a patent application or patent may designate a domestic representative if the assignee is not residing in the United States. The designation shall state the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the application, patent or registration or rights thereunder.