

UNITED STATES
PATENT AND TRADEMARK OFFICE



A faint, light-colored technical drawing of a mechanical assembly is visible in the background. It features various parts with callout numbers such as 90, 86, 84, 82, 56, 62, 58, 28, 38, 42, 46, 64, 34, and 66. The drawing is a perspective view of a complex structure, possibly a housing or a component of a machine.

National phase of the Patent Cooperation Treaty (PCT): In general and U.S. national phase

Layla Lauchman

Deputy Director

International Patent Legal Administration (IPLA)

Office of International Patent Cooperation



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

National phase of the PCT

In general

Decisions to be taken by the applicant

- **Whether**
 - To proceed with or drop the international application ?
- **When**
 - At the end of 30 months (in some cases 31 months or more)
 - Under Chapter I?*
 - Under Chapter II?
 - Early entry?
- **Where (choice limited to designated/elected offices)**
 - Which national offices?
 - Which regional offices?

* Luxembourg (LU) and Tanzania (TZ) continue to apply a 20-month time limit



Time limit for entry in the national phase

- The time limit applies irrespective of possible delays in the international phase due to:
 - Late international search report and written opinion of the International Searching Authority (ISA)
 - International preliminary examination delayed
 - Late international preliminary report on patentability (Chapter II)
 - Late translation of international preliminary report on patentability (Chapter II)

General national requirements

Article 22(1) and 39(1)(a)

- Requirements:
 - Translation, if applicable
 - Payment of national fee
 - Copy of international application in particular circumstances only
- Time limit under Article 22(1): 30 months from the priority date
 - For additional time, see PCT Applicant's Guide, National Chapter
 - For exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html
- Time limit under Article 39(1)(a): 30 months from the priority date
 - For additional time, see PCT Applicant's Guide, National Chapter

Special national requirements (Article 27 and Rule 51*bis*.1)

- Time limit under Rule 51*bis*.3:
 - If requirements are not fulfilled within the time limit for entry into national phase under Article 22 or 39:
 - Invitation by designated Office (DO)
 - At least two months from the invitation

National requirements simplified for PCT applications (1)

- Priority document
 - The applicant does not need to furnish the priority document since the International Bureau (IB) transmits copies to the designated/elected Offices (DO/EOs)
 - If the DO/EO did not receive a copy of the priority document from the IB, it must request a copy from the IB (not from the applicant)
- Drawings
 - If the drawings do not contain any text matter to be translated, a simple copy of the drawings as filed is required by a few DOs
 - If the drawings contain text matter to be translated, a set of drawings containing the translated text matter needs to be furnished

National requirements simplified for PCT applications (2)

- No legalized or certified translation of the international application
 - Otherwise, a simple translation is required
 - A few offices such as Australia (AU), India (IN), New Zealand (NZ), Singapore (SG) require a “verified” translation
- No special form required (but strongly recommended) for entry into national phase

Reinstatement of rights by DO/EOs (Rule 49.6) (1)

- Available in certain DO/EOs, where the applicant has missed the time limit under Article 22 or 39(1) to enter the national phase:
 - Unintentionally
 - Or—at the option of the office—*
 - In spite of due care required by the circumstances

Reinstatement of rights by DO/EOs (Rule 49.6) (2)

- Applicants may submit a request for reinstatement and enter the national phase within:
 - Two months from the date of removal of the cause of the failure to meet the time limit to enter national phase;or
 - Twelve months from the date of expiration of the time limit to enter national phase; whichever period expires first

Reinstatement of rights by DO/EOs (Rule 49.6) (3)

- Longer time limits and/or further requirements may apply depending on the applicable national law
- For further details, see for each DO/EO, the relevant national chapter in the PCT Applicant's Guide

DO/EOs to which Rule 49.6 does not apply

- Notifications of incompatibility with respective national law were filed in accordance with Rule 49.6(f):

CA Canada

LV Latvia

CN China

MX Mexico

DE Germany

NZ New Zealand

IN India

PH Philippines

KR Republic of Korea

PL Poland

- The national law applicable by some of these offices may nevertheless provide for other forms of protection against loss of rights—for further details, see for each DO/EO, the relevant national chapter in the PCT Applicant's Guide

National phase of the PCT

Entry into the U.S. national phase

35 U.S.C. 371 national stage applications: applicants

- Applicants are those identified in the international stage:
 - As applicants for the purposes of the United States (37 CFR 1.46(b)):
 - Unless changed in the national stage (37 CFR 1.46(c))
 - A person who otherwise shows sufficient proprietary interest in the matter must submit a petition including:
 - The fee set forth in 37 CFR 1.17(g)
 - A showing that such person has sufficient proprietary interest and
 - A statement that making the application is appropriate to preserve the rights of the parties (37 CFR 1.46(b)(2))

35 U.S.C. 371 national stage applications: Correction, update, or change of applicant

- Once an applicant has been specified under 37 CFR 1.46(b):
 - Any request to correct or update the name of an applicant must:
 - Include an application data sheet (ADS) specifying the corrected or updated name in the applicant information section (37 CFR 1.76(b)(7))
 - Any request to change the applicant must:
 - Include an ADS specifying the applicant in the applicant information section (§1.76(b)(7)), and
 - Comply with 37 CFR 3.71 and 3.73
 - See 37 CFR 1.46(c)



35 U.S.C. 371 national stage applications: inventorship

- Will be taken from the ADS:
 - If a signed ADS is included with the initial §371 submission
- Otherwise, will be that set forth in the international stage:
 - Including any change effected under Rule 92*bis*
- See 37 CFR 1.41(e)

35 U.S.C. 371 national stage applications: inventorship correction

- A request under §1.48 must include:
 - An ADS
 - A processing fee (37 CFR 1.17(i))
 - An inventor's oath or declaration for each actual inventor who has not yet executed such oath or declaration
 - Alternatively, a substitute statement under §1.64 may be provided
 - Additional requirements if filed after an office action on the merits (37 CFR 1.48(c))

Substitute statements

- May be executed with respect to an inventor whose signature cannot be obtained on a declaration:
 - 37 CFR 1.64
 - Can be submitted where the inventor is:
 - Deceased, legally incapacitated, cannot be found or reached after diligent effort, or refuses to execute
 - Divergent from old 37 CFR 1.42, §1.43, and §1.47 practice
 - No petition is required to execute the substitute statement
 - The office has forms for this purpose
 - PTO/AIA/02



Assignment-statement

- An assignment may serve as the inventor's oath or declaration ("assignment-statement"):
 - Where it contains the required information and statements
 - No USPTO form has been provided for this purpose

Recordation of the assignment statement

- Application number must be on the Electronic Patent Assignment System (EPAS) cover sheet
 - Not the executed assignment statement
- The box in EPAS must be checked for placement of a copy of the assignment statement in the application file
- The assignment statement must identify the application in some way
 - e.g., name of inventors, attorney docket number, or title of the invention on the specification as filed

35 U.S.C. 371 (c) requirements

- (1) National stage fees
- (2) Copy of the international application* and an English translation (if not in English)
- (3) Copy of Article 19 amendments and translation (if not in English)
- (4) Oath or declaration of inventor(s)
- (5) Translation of annexes** to the international preliminary examination report (IPER) (if not in English)

* not required if the international application (IA) was filed in RO/US or published by the IB

** amendments that formed the basis of the report

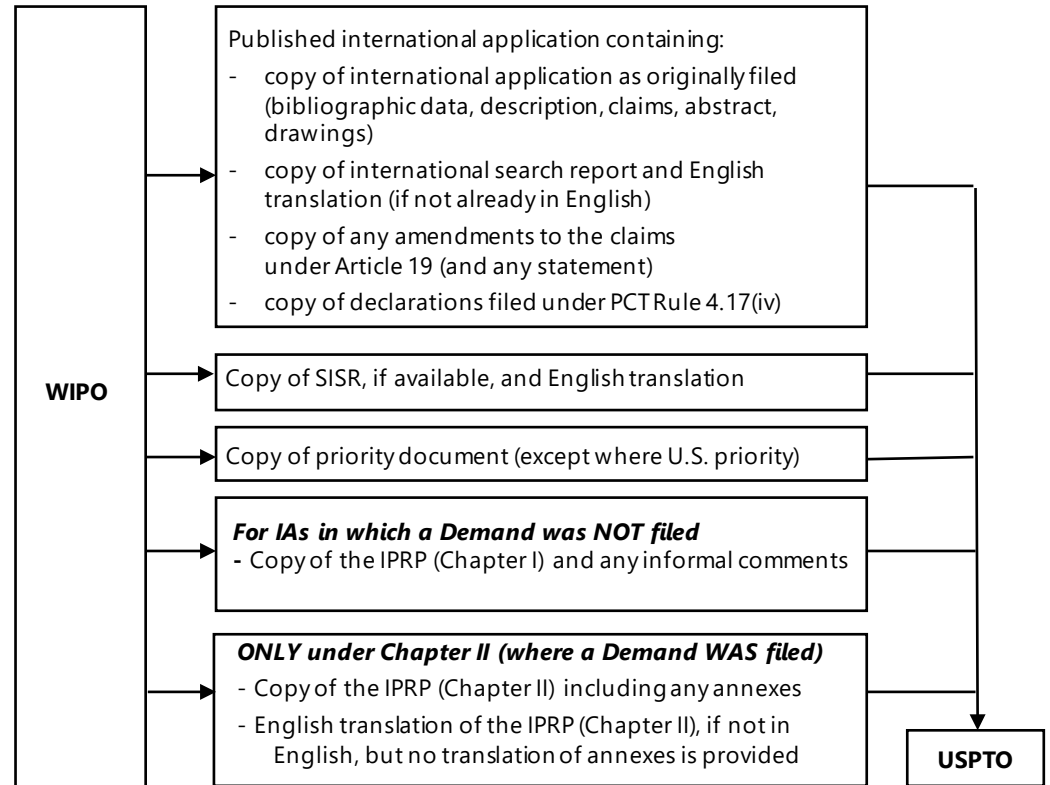


Commencement of U.S. national stage

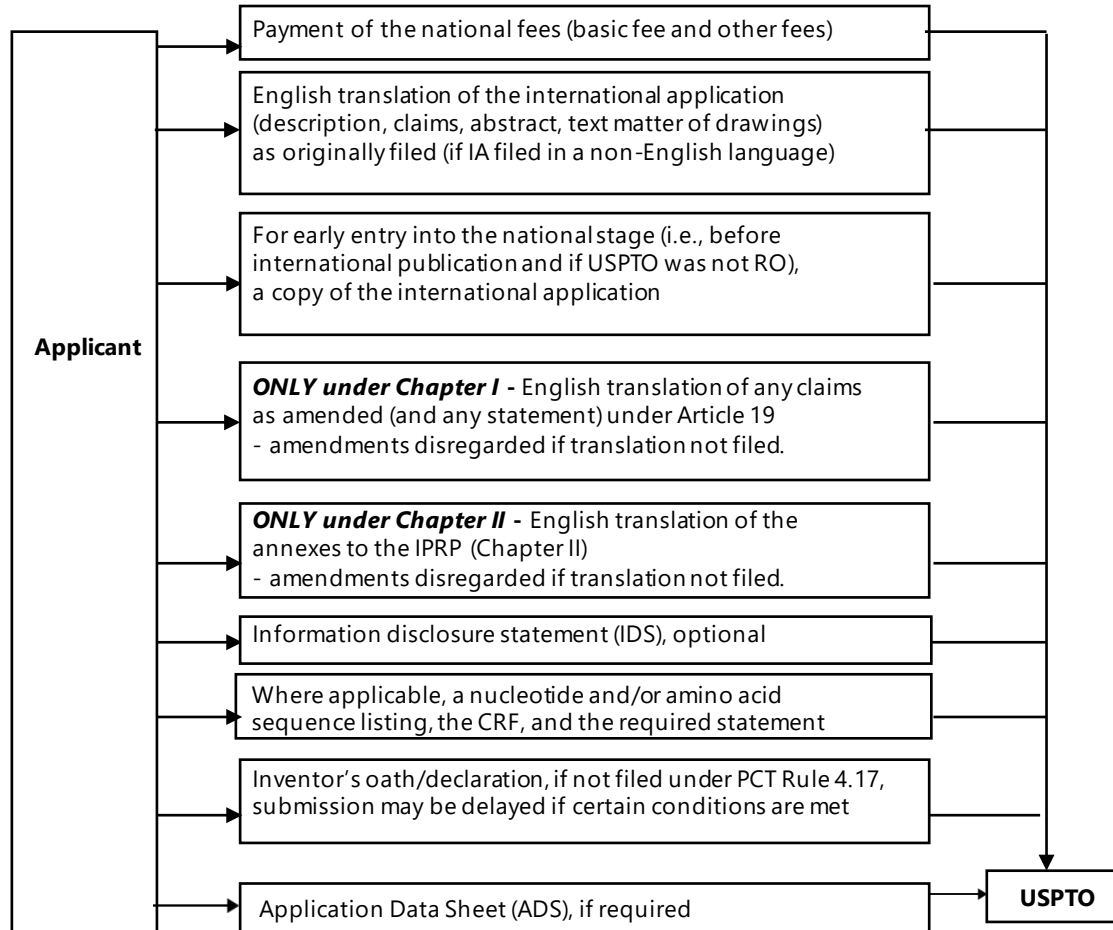
- Thirty months from earliest priority date
 - From either Chapter I or Chapter II
 - 37 CFR 1.495
- Early commencement
 - At applicant's express request
 - 35 U.S.C. 371(f)
- See PCT Applicant's Guide, National Chapter (U.S.)

Entry into U.S. national stage

- WIPO transmission to the USPTO upon national stage entry by the applicant



Entry into U.S. national stage (cont.)



- Applicant's submission to USPTO for national stage entry



Entering U.S. national stage

- To avoid abandonment of the IA:
 - The following must be furnished no later than 30 months from the priority date:
 - The basic national fee (see § 1.492(a))
 - A copy of the IA, unless the IA:
 - Has been published by the IB; or
 - Was filed in RO/US
 - See 37 CFR 1.495

Notice of missing requirements

- If the basic national fee and a copy of the IA have been submitted by 30 months:
 - The office will notify applicant of any missing requirements:
 - Translation of the IA, if not in English
 - Oath/Declaration, if not submitted in IA (see 37 CFR § 1.495(c)(3))
 - May be postponed where certain conditions met
 - Search fee (see 37 CFR § 1.492(b));
 - Examination fee (see 37 CFR § 1.492(c)); and
 - Application size fee (see 37 CFR § 1.492(j))
 - Claim fees (see 37 CFR § 1.492(d), (e), (f))
- To avoid abandonment, missing requirements must be submitted within the response period.

U.S. national stage fees

- Basic national fee.....\$320*
- Search fee

Written Opinion (WO) of the U.S. as the International Searching Authority (ISA/US) or IPER prepared by the U.S. as the International Preliminary Examining Authority (IPEA/US) indicates that all claims satisfy the provisions of Article 33(1)-(4)**	\$0
International search fee paid to USPTO as ISA	\$140*
International search report (ISR) prepared by an ISA other than the U.S. and provided to U.S., or previously communicated to the U.S. by the IB	\$540*
All other situations	\$700*

* reducible by 60% for small entities and 80% for micro entities
** novelty, inventive step and industrial applicability



National stage fees, continued

- Examination fee

Written Opinion (WO) of the ISA/US or IPER prepared by the IPEA/US and indicates that all claims satisfy the provisions of Article 33(1)-(4)**	\$0
All other situations	\$800*

*reducible by 60% for small entities and 80% for micro entities

**novelty, inventive step and industrial applicability

Other national stage fees

For each independent claim in excess of three	\$480*
For each claim in excess of 20	\$100*
For each application containing a multiple dependent claim	\$860*
Search fee, examination fee, or oath or declaration received after the date of commencement of the national stage	\$160*
English translation received after 30 months from priority date	\$140*
For every 50 sheets or fraction thereof of the SPEC and DRW that exceeds 100 sheets, excluding any sequence listing or computer program listing filed using an electronic medium	\$420*
For submission of a sequence listing text file of 300-800MB	\$1060*
For submission of a sequence listing text file that is more than 800MB	\$10,500*

* reducible by 60% for small entities or 80% for micro entities



English translation of the international application

- May be filed
 - By 30 months from the priority date
 - In response to a Notice of Missing Requirements
 - Time limit set in Notice may be extended under 37 CFR 1.136(a)
 - After the 30-month date
 - With processing fee of \$140
 - Reducible by 60% for small entity and 80% for micro entity
- Translation must be an accurate translation of the international application as originally filed
 - No changes permitted



Copy of Article 19 amendments* and English translation

- Due by 30 months from the priority date
- Canceled if translation not timely submitted
 - May still be made by preliminary amendment

* copy of the Article 19 amendment not required if communicated to the DO/EO/US by the IB

Oath or declaration

- May be filed as
 - Part of the PCT Request form, that is, Box No. VIII (iv), or within the time period set in PCT Rule 26*ter*
 - IB will provide DO/EO/US with PCT Request declaration of inventorship sheets upon national stage entry
 - USPTO-generated
 - Form PTO/AIA/01 or PTO/AIA/08 (AIA (Oath/Dec))
 - Applicant-created form
 - For AIA (Oath/Dec) applications
 - Substitute statements
 - Assignment as the oath/declaration



Time for Filing of oath/declaration- (Oath/Dec) (1)

- May postpone submission until application is in condition for allowance (37 CFR 1.492(c))
 - If an ADS is filed identifying
 - Each inventor by his or her legal name
 - For each inventor, a mailing address where the inventor customarily receives mail
 - And residence, if the inventor lives at a location different than the mailing address
 - If postponed, must be filed no later than the time period set in the “Notice of Allowability” to avoid abandonment

Time for Filing of oath/declaration - (Oath/Dec) (2)

- Exceptions to postponement of oath/dec until allowance
 - Early commencement under 35 U.S.C. 371(f)
 - Request for Continued Examination (RCE)
 - PUBLIC LAW 106-113-APPENDIX I 113 STAT. 1501A-**560** (SEC. 4403) adds section (b) to 35 U.S.C. 132
 - Which grants the Director [of the USPTO] the ability to prescribe regulations for continued examination of patent applications
 - However, PUBLIC LAW 106-113-APPENDIX I 113 STAT. 1501A-**561** sets forth the applicability of 35 U.S.C. 132(b) to
 - “[...] all applications **complying with** section 371 of title 35, United States Code, [...]”
 - 35 U.S.C. 371(c) requires the filing of an oath/dec of the inventor



English translation of Annexes to the International Preliminary Report on Patentability (IPRP) (Chapter II)

- Due by
 - 30 months from the priority date or
 - Within any time period set to furnish
 - Translation of application
 - Oath or declaration
 - Any outstanding national stage fee
- Canceled if not timely submitted
 - May still be made by preliminary amendment
- If provided after 30-month date
 - Processing fee of \$140
 - Reducible by 60% for small entity and 80% for micro entity



37 CFR 1.492(h)

- A surcharge of \$160 is required if any of the
 - Search fee
 - Examination fee, or
 - Oath or declaration
- is filed after the date of commencement
 - The surcharge is reducible by 60% for small entity and 80% for micro entity

Abandonment in the United States

- Abandonment results from failure to
 - Submit by the 30-month date
 - Basic national fee
 - A copy of the international application
 - If not published by the IB or not filed in RO/US
 - Timely furnish
 - The proper reply to the Notice of Missing Requirements and other notices
- May be possible to revive (37 CFR 1.137)
 - Petition fee - \$2100
 - Reducible by 60% for small entity and 80% for micro entity



Preliminary amendments

- Made in accordance with 37 CFR 1.121
 - May be used in lieu of translating
 - Article 19 amendment and/or annexes to the IPER
 - To eliminate multiple dependent claims
 - To reduce the number of claims
- See PCT Applicant's Guide, National Chapter–US, The Procedure in the National Phase, paragraph US.34
 - For details regarding amendments and claim status identifiers

Dates in a national stage application

- International filing date (IFD)
- 35 U.S.C. 371(c) date

International filing date (IFD)

- 35 U.S.C. 363 states that
 - An international application designating the United States shall have the effect,
 - From its IFD,
 - Of a national application for patent regularly filed in the Patent and Trademark Office

35 U.S.C. 371(c) Date

- Date of completion of 35 U.S.C. 371(c)(1) & (c)(2) requirements
 - Date listed as the “filing or 371(c) date” on the filing receipt
 - The “filing or 371(c) date” on the filing receipt no longer based on date of receipt of oath/declaration

Foreign priority claims in a §371 application (1)

- Must be in accordance with 35 U.S.C. 119(a) and the PCT and its regulations.
 - See 35 U.S.C. 365(b)
- Must have been made:
 - In Box No. VI of the request, or
 - Within the time limit set forth in PCT Rule 26bis
- Foreign priority claim omitted in the IA may be added by petition:
 - Under (37 CFR 1.55(e))

Foreign priority claims in a §371 application (2)

- Must be identified in one of:
 - (Preferably) ADS,
 - 1st page of published international application, or
 - PCT request
- An ADS filed with the initial submission under §371 without the foreign priority claim is considered a deletion of the foreign priority claim
- See 37 CFR 1.55 and 37 CFR 1.76(c)

Certified copy of foreign application

- World Intellectual Property Organization (WIPO) will provide a copy to DO/EO/US
 - If timely filed during the international stage
 - The copy satisfies the requirement of 37 CFR 1.55(f)(2)
 - The Notice of Acceptance will indicate presence
- If a certified copy was not filed during the international stage
 - Applicant will be given the opportunity to provide one during the national stage
 - See 37 CFR 1.55(f)(2) for required time period for furnishing

Claim to benefit of an earlier U.S. filing date (1)

- Domestic benefit may be claimed to:
 - A provisional application under 35 U.S.C. 119(e)
 - A nonprovisional application under 35 U.S.C. 120
 - An IA designating the US under 35 U.S.C. 365(c)

Claim to benefit of an earlier U.S. filing date (2)

- The 371 application must:
 - Contain or be amended to contain a reference to any prior-filed applications:
 - Provisional application number
 - Nonprovisional application number and its relationship (e.g. continuation (CON), continuation-in-part (CIP), divisional (DIV)) to the later-filed application
 - The prior-filed international application number, its IFD, and its relationship (e.g. CON, CIP, DIV) to the later-filed international application
 - See 37 CFR 1.78

Claim to benefit of an earlier U.S. filing date (3)

- Can be made within the later of:
 - Four months from commencement under 35 U.S.C. 371(b) or (f),
 - Four months from initial 371 submission, or
 - 16 months from the earlier filing date
- Can be added later:
 - Only by petition when unintentionally delayed
- See 37 CFR 1.78

Restoration of right of priority in the international stage

- For an international application filed on/after April 1, 2007
 - International filing date may be
 - More than 12 months from the priority date, but
 - Within two months of the expiration of the priority period
 - Under the PCT, a priority claim that is restoration eligible
 - Establishes the priority date for timeline purposes
 - Remains in the international application, despite
 - Failure to request restoration, or
 - Refusal of a request for restoration

Restoration of right of priority in the US national stage (1)

- Restoration of the right of priority has been effective for all applications in the U.S.
 - Since December 18, 2013 when the Patent Law Treaty (PLT) provisions of the Patent Law Treaties Implementation Act of 2012 went into effect
- Restoration by RO/US or any other RO under unintentional or due care criterion **is effective** in the corresponding U.S. national stage application
 - Form PCT/RO/159 issued by the receiving office indicating restoration of the right of priority is satisfied

Restoration of right of priority in the US national stage (2)

- Where priority was not restored in the international application, applicant can petition to
 - Restore the right of priority to a foreign application
 - 37 CFR 1.55(c)
 - Restore domestic benefit to a provisional application
 - 37 CFR 1.78(b)
- The delay in filing the international application must have been unintentional

Restriction

- The unity of invention standard is applied for restriction in a national stage application
- More claims may be kept together if multiple inventions present

Patent term adjustment (PTA)

- Interim final rule regarding PTA
 - Published April 1, 2013
 - Implements several changes made to PTA statute by the America Invents Act (AIA) Technical Corrections Act of January 14, 2013
 - Alters how PTA is calculated

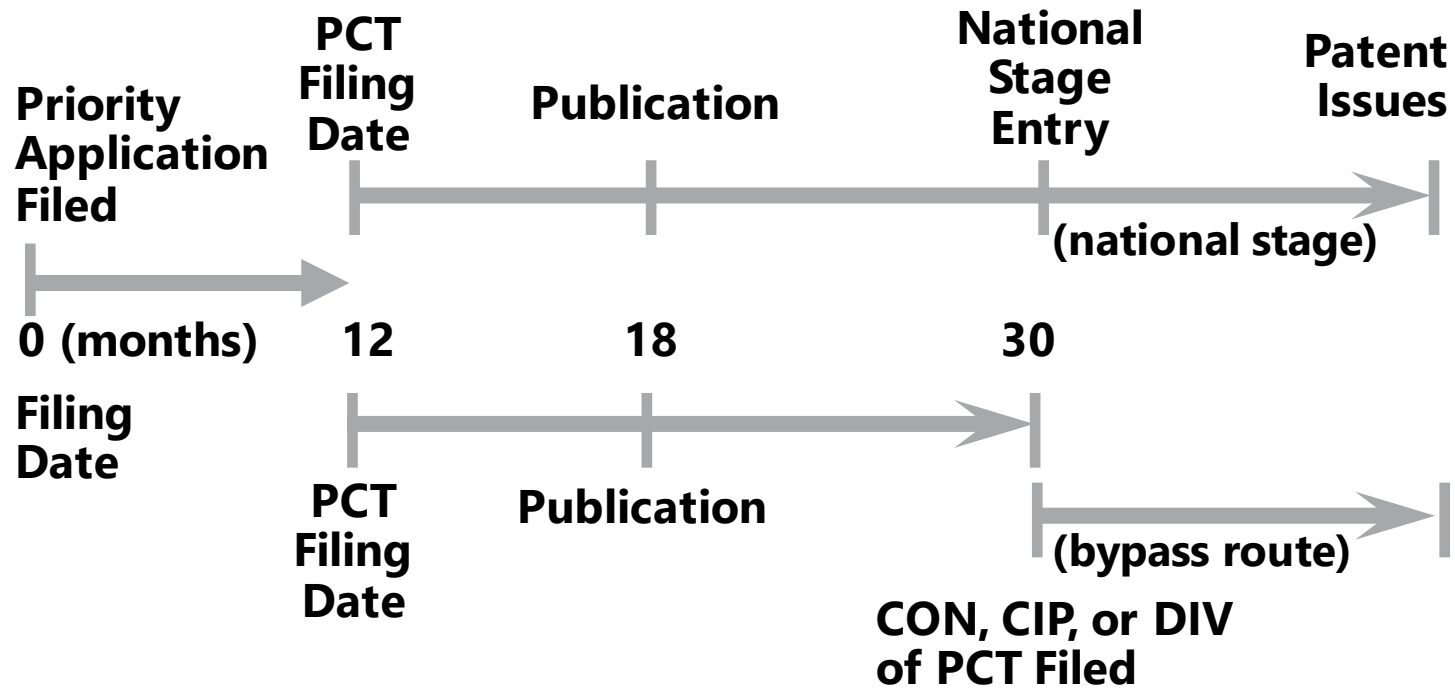
AIA Technical Corrections Act

- The 14 month PTA period will be measured from the date of commencement of the U.S. national stage under 35 U.S.C. 371
- Applies to any patent granted on or after January 14, 2013

“Bypass route”— an alternative to 35 U.S.C. 371

- A U.S. application under 35 U.S.C 111(a)
 - Can claim benefit under
 - 35 U.S.C 365(c)
 - 35 U.S.C 120, or
 - 35 U.S.C. 121
- of an international application that designates the US
- See MPEP sections 1895 and 1896

National stage vs. bypass route



Conflicting instructions: 111(a) or 371

- Prior to September 16, 2012
 - An initial application submission containing conflicting information as to treatment under 35 U.S.C. 111(a) or 371 was treated as a new U.S. national patent application under 35 U.S.C. 111(a)
- On or after September 16, 2012
 - An initial application submission containing conflicting information as to treatment under 35 U.S.C. 111(a) or 371 will be treated as a U.S. national stage application under 35 U.S.C. 371
- 37 CFR 1.495(g)



Advantages of bypass route

- Exact translation of the international application not required
- New matter may be added to the disclosure by filing a CIP
- Extension of time for payment of basic filing fee
 - 37 CFR 1.136(a)
- Foreign priority claim omitted in the international application may be added (37 CFR 1.55) without petition
- Track 1 prioritized examination and accelerated examination procedures available
- May postpone oath/dec submission without exception



Disadvantages of bypass route

- A complete application must be filed
 - Including any required formal drawings
- Certified copies of any foreign priority documents must be filed*
 - Within the time period set forth in 37 CFR 1.55(f)(1)
- Restriction based on the U.S. independent and distinct standard
 - Instead of broader unity of invention standard
- Petition under 37 CFR 1.78(d) required for benefit claim where
 - The international application claims benefit but does NOT specify its relationship (CON, DIV, CIP) to the earlier application filed under 35 U.S.C. 111(a)

* See www.uspto.gov/patents/basics/international-protection/electronic-priority-document-exchange-pdx for listing of IP offices participating in WIPO's Digital Access Service (DAS) for priority documents.

Advantages of national stage entry under 35 U.S.C. 371

- Restriction standard is unity of invention
 - More claims/inventions may stay together
- Ease of filing
 - Applicant provides
 - Transmittal letter and fees
 - IB provides
 - Copy of the international application (if nationalized after publication)
 - Priority document (if provided to IB at international stage)
 - ISR and IPRP
- Search fee and examination fees may be \$0
 - Where written opinion (WO) of ISA/US or IPER of IPEA/US indicates all claims satisfy the criteria of Article 33(1)-(4)

Disadvantages of national stage entry under 35 U.S.C. 371

- Cannot add subject matter
 - Which goes beyond the IA as filed
- Literal English translation of IA required
- May need extensive preliminary amendment
 - Clean up translation
 - Reduce/eliminate multiple dependent claims
- Must pay basic national fee by 30 months
- Requires oath/dec submission for
 - Early commencement
 - RCE filing

Helpful hints (1) - ADS

- For a 371 application, applicability of the pre-AIA (FTI) or AIA (FITF) is determined by the international filing date
 - NOT the date of initial submission under 35 U.S.C. 371
- Include a signed ADS with the initial §371 submission
 - If inventorship has changed
 - To indicate the relationship (continuation or CIP) to any non-provisional US application to which benefit was claimed in the international application
 - See the following slides for screen shots

Helpful hints (2) - ADS

- Instructions on ADS form PTO/AIA/14:

Domestic Benefit/National Stage Information:

Application Number	For new applications, the first field should be left blank , which will signify "This Application is a" to refer to the application being submitted. By selecting the "Add" button you may enter any application number that is already referred to in the Prior Application Number fields on the current form.
Continuity Type	Select the relationship between patent applications by selecting one of seven available relationships listed in the drop-down menu. The relationships are continuation, division, continuation-in-part, 371 of international, substitution, reissue and claims benefit of provisional. Select the appropriate relationship to indicate how one application is related to the earlier filed application.
Prior Application Number	Provide the application number for the related application to which the application is claiming the benefit of.
Filing Date or 371(c) Date	Select the filing date or 371(c) date of the prior related application from the drop-down menu, which converts into a calendar. The date may be selected from the calendar feature and must be in the format YYYY-MM-DD.
Prior Application Status	Select the status of the prior application from Patented, Pending, Abandoned, or Expired.
Add Domestic Priority Data	Add the information to the continuity information list by selecting the Add button.
Remove Domestic Priority Data	Delete the information to the continuity information list by selecting the Remove button.

Helpful hints (3) - ADS

- Select the relationship between patent applications by selecting one of seven available relationship buttons

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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Additional Domestic Benefit/ by selecting the Add button.	<div style="border: 1px solid black; padding: 2px;"><ul style="list-style-type: none">Continuation ofDivision ofContinuation in part ofa 371 of internationalsubstitution ofreissue of</div>	Generated within this form	<input type="button" value="Add"/>

EFS Web 2.2.13



Helpful hints (4) - ADS

- Benefit to U.S. provisional

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"/>	a 371 of international	PCT/IB2021/049050	2021-10-15
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/IB2021/049050	Claims benefit of provisional	62997050	2020-11-23
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			<input type="button" value="Add"/>

Helpful hints (5) - ADS

- Benefit to U.S. nonprovisional

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"/>	a 371 of international <input type="text"/>	PCT/US21/14567	2021-01-05

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/US21/14567	Continuation of <input type="text"/>	14925740	2020-05-21

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



Helpful hints (6) - ADS

- Foreign priority

Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	a 371 of international	PCT/CN2019/099167	2019-11-15

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
201850384731.7	CN	2018-11-28	

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Remove

Add



Helpful hints (7) - ADS

- “Bypass” application filed under 35 USC 111(a)

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 <input type="text"/>	PCT/US22/20123	2022-03-04

Helpful hints (8) - ADS

- Continuation of a 371 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, 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	16999134	<input type="text"/>
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)
16999134	a 371 of international	PCT/US20/55291	2020-05-21
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			<input type="button" value="Add"/>

Helpful hints (9) - PTO-1390

- Use the national stage transmittal letter (PTO-1390)
- Do not pay claim fees at the time of filing if a preliminary amendment will be filed that will affect claim fees
 - No refund for claim fees paid
 - Option available on PTO-1390 to exclude claim fees

a.	<input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.
b.	<input type="checkbox"/>	Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
c.	<input type="checkbox"/>	The Director is hereby authorized to charge additional fees which may be required, or credit any overpayment, to Deposit Account No. _____ as follows:
	i.	<input type="checkbox"/> any required fee.
	ii.	<input type="checkbox"/> any required fee except for excess claims fees required under 37 CFR 1.492(d) and (e) and multiple dependent claim fee required under 37 CFR 1.492(f).

Helpful hints (10) — PTO-1390

- Can request early entry/processing by checking Box 1, however:
 - Only effective if basic national fee, copy of IA and English translation (if required), AND oath/declaration of inventor(s) are received

1. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). NOTE: The express request under 35 U.S.C. 371(f) will not be effective unless the requirements under 35 U.S.C. 371(c)(1), (2), and (4) for payment of the basic national fee, copy of the International Application and English translation thereof (if required), and the oath or declaration of the inventor(s) have been received.

- Copy of IA is not required if previously published by WIPO or US was the receiving office.

2. A copy of the International Application (35 U.S.C. 371(c)(2)) is attached hereto (not required if the International Application was previously communicated by the International Bureau or was filed in the United States Receiving Office (RO/US)).

Helpful hints (11)

- Do not wait for a Notice of Missing Requirements (PCT/DO/EO/905)
 - Supply the additional fees, translations, etc. as soon as possible
 - Filing Receipt and Notification of Acceptance (Form PCT/DO/EO/903) issued more quickly
 - Declaration is not required at filing, if ADS is present

Helpful hints (12)

- File assignments using the Electronic Patent Assignment System (EPAS)
 - Ensures timely recordation
 - New Intellectual Property Assignments webpage will replace EPAS on 01 December 2023
- Check Notification of Acceptance (PCT/DO/EO/903)
 - To ensure that DO/EO received certain documents
 - *e.g.* preliminary amendment, IPRP (Chapter II) with Annexes, priority document(s), etc.
- If submitting translation of the annexes
 - Ensure the translated annexed sheets can replace page by page the translated application sheets

Helpful hints (13) – Information Disclosure Statement (IDS)

- List the references on an IDS; and
- Provide copies of any non-U.S. patent documents, e.g.
 - Foreign patent documents
 - Non-patent Literature (NPL)

to ensure:

- Consideration of references cited on the ISR/SISR, and
- Reference citation on any resulting patent





Thank you!

Any questions?

Layla Lauchman

Deputy Director, International Patent Legal Administration
571-272-2418
Layla.Lauchman@USPTO.gov

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