

201.04 Provisional Application [R-07.2015]

I. PROVISIONAL APPLICATION FILED ON OR AFTER DECEMBER 18, 2013

35 U.S.C. 111 Application.

[Editor Note: Applicable to any patent application filed on or after December 18, 2013. See [35 U.S.C. 111 \(pre-PLT\)](#) for the law applicable to provisional applications filed under 35 U.S.C. 111(b) before December 18, 2013.]

- (b) PROVISIONAL APPLICATION.—
 - (1) AUTHORIZATION.—A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include—
 - (A) a specification as prescribed by [section 112\(a\)](#); and
 - (B) a drawing as prescribed by [section 113](#).
 - (2) CLAIM.—A claim, as required by subsections (b) through (e) of [section 112](#), shall not be required in a provisional application.
 - (3) FEE.—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.
 - (4) FILING DATE.—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.
 - (5) ABANDONMENT.—Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to [section 119\(e\)\(3\)](#), if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.
 - (6) OTHER BASIS FOR PROVISIONAL APPLICATION.—Subject to all the conditions in this subsection and [section 119\(e\)](#), and as prescribed by the Director, an application for patent filed under subsection (a) may be treated as a provisional application for patent.
 - (7) NO RIGHT OF PRIORITY OR BENEFIT OF EARLIEST FILING DATE.—A provisional application shall not be entitled to the right of priority of any other application under [section 119](#), [365\(a\)](#), or [386\(a\)](#) or to the benefit of an earlier filing date in the United States under [section 120](#), [121](#), [365\(c\)](#), or [386\(c\)](#).
 - (8) APPLICABLE PROVISIONS.—The provisions of this title relating to applications for patent shall apply to provisional applications for patent, except as otherwise provided, and except that provisional applications for patent shall not be subject to [sections 131](#) and [135](#).

37 CFR 1.9 Definitions.

- (a)
 - *****
 - (2) A provisional application as used in this chapter means a U.S. national application for patent filed in the Office under [35 U.S.C. 111\(b\)](#).

37 CFR 1.53 Application number, filing date, and completion of application.

[Editor Note: Applicable to patent applications filed under [35 U.S.C. 111](#) on or after December 18, 2013.]

- (c) *Application filing requirements — Provisional application.* The filing date of a provisional application is the date on which a specification, with or without claims, is received in the Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
- (1) A provisional application must also include the cover sheet required by [§ 1.51\(c\)\(1\)](#), which may be an application data sheet ([§ 1.76](#)), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.
- (2) An application for patent filed under paragraph (b) of this section may be converted to a provisional application and be accorded the original filing date of the application filed under paragraph (b) of this section. The grant of such a request for conversion will not entitle applicant to a refund of the fees that were properly paid in the application filed under paragraph (b) of this section. Such a request for conversion must be accompanied by the processing fee set forth in [§ 1.17\(q\)](#) and be filed prior to the earliest of:
 - (i) Abandonment of the application filed under paragraph (b) of this section;
 - (ii) Payment of the issue fee on the application filed under paragraph (b) of this section; or
 - (iii) Expiration of twelve months after the filing date of the application filed under paragraph (b) of this section.
- (3) A provisional application filed under paragraph (c) of this section may be converted to a nonprovisional application filed under paragraph (b) of this section and accorded the original filing date of the provisional application. The conversion of a provisional application to a nonprovisional application will not result in either the refund of any fee properly paid in the provisional application or the application of any such fee to the filing fee, or any other fee, for the nonprovisional application. Conversion of a provisional application to a nonprovisional application under this paragraph will result in the term of any patent to issue from the application being measured from at least the filing date of the provisional application for which conversion is requested. Thus, applicants should consider avoiding this adverse patent term impact by filing a nonprovisional application claiming the benefit of the provisional application under [35 U.S.C. 119\(e\)](#), rather than converting the provisional application into a nonprovisional application pursuant to this paragraph. A request to convert a provisional application to a nonprovisional application must be accompanied by the fee set forth in [§ 1.17\(i\)](#) and an amendment including at least one claim as prescribed by [35 U.S.C. 112\(b\)](#), unless the provisional application under paragraph (c) of this section otherwise contains at least one claim as prescribed by [35 U.S.C. 112\(b\)](#). The nonprovisional application resulting from conversion of a provisional application must also include the filing fee, search fee, and examination fee for a nonprovisional application, and the surcharge required by [§ 1.16\(f\)](#) if either the basic filing fee for a nonprovisional application or the inventor's oath or declaration was not present on the filing date accorded the resulting nonprovisional application (*i.e.*, the filing date of the original provisional application). A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:
 - (i) Abandonment of the provisional application filed under paragraph (c) of this section; or
 - (ii) Expiration of twelve months after the filing date of the provisional application filed under paragraph (c) of this section.
- (4) A provisional application is not entitled to the right of priority under [35 U.S.C. 119](#), [365\(a\)](#), or [386\(a\)](#) or [§ 1.55](#), or to the benefit of an earlier filing date under [35 U.S.C. 120](#), [121](#), [365\(c\)](#), or [386\(c\)](#) or [§ 1.78](#) of any other application. No claim for

priority under [35 U.S.C. 119\(e\)](#) or [§ 1.78\(a\)](#) may be made in a design application based on a provisional application. The requirements of [§§ 1.821](#) through [1.825](#) regarding application disclosures containing nucleotide and/or amino acid sequences are not mandatory for provisional applications.

Effective December 18, 2013, the Patent Law Treaties Implementation Act of 2012 (PLTIA), title II, amended [35 U.S.C. 111\(b\)](#) to more closely align the corresponding provisions for nonprovisional applications in [35 U.S.C. 111\(a\)](#) and provisional applications in [35 U.S.C. 111\(b\)](#). The corresponding provision in [37 CFR 1.53\(c\)](#) was revised accordingly.

The parts of a provisional application that are required are set forth in [37 CFR 1.51\(c\)](#) and [MPEP § 601.01\(b\)](#). The filing date of a provisional application filed on or after December 18, 2013, is the date on which a specification as prescribed by [35 U.S.C. 112\(a\)](#), with or without claims, is filed in the United States Patent and Trademark Office. Although the application will be accorded a filing date regardless of whether any drawings are submitted, applicants are advised to file any drawing required by [37 CFR 1.81\(a\)](#) with the application. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

A provisional application must include a cover sheet required by [37 CFR 1.51\(c\)\(1\)](#), which may be an application data sheet ([37 CFR 1.76](#)), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under [37 CFR 1.53\(b\)](#). The filing fee is set forth in [37 CFR 1.16\(d\)](#).

II. PROVISIONAL APPLICATION FILED BEFORE DECEMBER 18, 2013

35 U.S.C. 111 Application (pre-PLT)

[Editor Note: [35 U.S.C. 111\(b\)](#) as reproduced herein is applicable to any patent application filed before December 18, 2013.

See [35 U.S.C. 111](#) for the law applicable to provisional applications filed under [35 U.S.C. 111\(b\)](#) on or after December 18, 2013.]

- (b) PROVISIONAL APPLICATION.—
 - (1) AUTHORIZATION.—A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include—
 - (A) a specification as prescribed by section [112](#); and
 - (B) a drawing as prescribed by section [113](#).
 - (2) CLAIM.—A claim, as required by subsections [\(b\)](#) through [\(e\)](#) of section [112](#), shall not be required in a provisional application.
 - (3) FEE.—
 - (A) The application must be accompanied by the fee required by law.
 - (B) The fee may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director.
 - (C) Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the fee was unavoidable or unintentional.
 - (4) FILING DATE.—The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

- (5) ABANDONMENT.—Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section [119\(e\)\(3\)](#), if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.
- (6) OTHER BASIS FOR PROVISIONAL APPLICATION.—Subject to all the conditions in this subsection and section [119\(e\)](#), and as prescribed by the Director, an application for patent filed under subsection (a) may be treated as a provisional application for patent.
- (7) NO RIGHT OF PRIORITY OR BENEFIT OF EARLIEST FILING DATE.—A provisional application shall not be entitled to the right of priority of any other application under section [119](#) or [365\(a\)](#) or to the benefit of an earlier filing date in the United States under section [120](#), [121](#), or [365\(c\)](#).
- (8) APPLICABLE PROVISIONS.—The provisions of this title relating to applications for patent shall apply to provisional applications for patent, except as otherwise provided, and except that provisional applications for patent shall not be subject to [sections 131](#) and [135](#).

37 CFR 1.9 Definitions.

- (a)
- *****
- (2) A provisional application as used in this chapter means a U.S. national application for patent filed in the Office under [35 U.S.C. 111\(b\)](#).

37 CFR 1.53 (pre-PLT) Application number, filing date, and completion of application.

[Editor Note: Applicable to patent applications filed under [35 U.S.C. 111](#) before December 18, 2013.]

- (c) *Application filing requirements—Provisional application.* The filing date of a provisional application is the date on which a specification as prescribed by [35 U.S.C. 112\(a\)](#), and any drawing required by [§ 1.81\(a\)](#) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
- (1) A provisional application must also include the cover sheet required by [§ 1.51\(c\)\(1\)](#), which may be an application data sheet ([§ 1.76](#)), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.
- (2) An application for patent filed under paragraph (b) of this section may be converted to a provisional application and be accorded the original filing date of the application filed under paragraph (b) of this section. The grant of such a request for conversion will not entitle applicant to a refund of the fees that were properly paid in the application filed under paragraph (b) of this section. Such a request for conversion must be accompanied by the processing fee set forth in [§ 1.17\(g\)](#) and be filed prior to the earliest of:
 - (i) Abandonment of the application filed under paragraph (b) of this section;
 - (ii) Payment of the issue fee on the application filed under paragraph (b) of this section; or

- (iii) Expiration of twelve months after the filing date of the application filed under paragraph (b) of this section.
- (3) A provisional application filed under paragraph (c) of this section may be converted to a nonprovisional application filed under paragraph (b) of this section and accorded the original filing date of the provisional application. The conversion of a provisional application to a nonprovisional application will not result in either the refund of any fee properly paid in the provisional application or the application of any such fee to the filing fee, or any other fee, for the nonprovisional application. Conversion of a provisional application to a nonprovisional application under this paragraph will result in the term of any patent to issue from the application being measured from at least the filing date of the provisional application for which conversion is requested. Thus, applicants should consider avoiding this adverse patent term impact by filing a nonprovisional application claiming the benefit of the provisional application under [35 U.S.C. 119\(e\)](#) (rather than converting the provisional application into a nonprovisional application pursuant to this paragraph). A request to convert a provisional application to a nonprovisional application must be accompanied by the fee set forth in [§ 1.17\(f\)](#) and an amendment including at least one claim as prescribed by [35 U.S.C. 112\(b\)](#), unless the provisional application under paragraph (c) of this section otherwise contains at least one claim as prescribed by [35 U.S.C. 112\(b\)](#). The nonprovisional application resulting from conversion of a provisional application must also include the filing fee, search fee, and examination fee for a nonprovisional application, the inventor's oath or declaration, and the surcharge required by [§ 1.16\(f\)](#) if either the basic filing fee for a nonprovisional application or the inventor's oath or declaration was not present on the filing date accorded the resulting nonprovisional application (i.e., the filing date of the original provisional application). A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:
 - (i) Abandonment of the provisional application filed under paragraph (c) of this section; or
 - (ii) Expiration of twelve months after the filing date of the provisional application filed under paragraph (c) of this section.
- (4) A provisional application is not entitled to the right of priority under [35 U.S.C. 119](#) or [35 U.S.C. 365\(a\)](#) or [§ 1.55](#), or to the benefit of an earlier filing date under [35 U.S.C. 120](#), [121](#) or [365\(c\)](#) or [§ 1.78\(a\)](#) of any other application. No claim for priority under [35 U.S.C. 119\(e\)](#) or [§ 1.78\(a\)\(4\)](#) may be made in a design application based on a provisional application. No request under [§ 1.293](#) for a statutory invention registration may be filed in a provisional application. The requirements of [§§ 1.821](#) through [1.825](#) regarding application disclosures containing nucleotide and/or amino acid sequences are not mandatory for provisional applications.

The parts of a provisional application that are required are set forth in [37 CFR 1.51\(c\)](#) and [MPEP § 601.01\(b\)](#). The filing date of a provisional application is the date on which a specification as prescribed by [35 U.S.C. 112\(a\)](#) and any drawing required by [37 CFR 1.81\(a\)](#) are filed in the U.S. Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.

A provisional application must also include the cover sheet required by [37 CFR 1.51\(c\)\(1\)](#), which may be an application data sheet ([37 CFR 1.76](#)), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under [37 CFR 1.53\(b\)](#). The filing fee is set forth in [37 CFR 1.16\(d\)](#).

III. PROVISIONAL APPLICATION - IN GENERAL

One of the provisions of the Uruguay Round Agreements Act (effective as of June 8, 1995), is the establishment of a domestic priority system. The Act provides a mechanism to enable domestic applicants to quickly and inexpensively file provisional applications. Under the provisions of [35 U.S.C. 119\(e\)](#), applicants are entitled to claim the benefit of priority in a given

application in the United States. The domestic priority period will not count in the measurement of the 20-year patent term. See [35 U.S.C. 154\(a\)\(3\)](#). Thus, domestic applicants are placed on equal footing with foreign applicants with respect to the patent term.

A provisional application is a regular national filing that starts the Paris Convention priority year. Foreign filings must be made within 12 months of the filing date of the provisional application if applicant wishes to rely on the filing date of the provisional application in the foreign filed application.

NOTE:

- (A) No claim is required in a provisional application.
- (B) No oath or declaration is required in a provisional application.
- (C) Provisional applications will not be examined for patentability.
- (D) A provisional application is not entitled to claim priority to any foreign application or the benefit of any earlier filed national application.

A provisional application will automatically be abandoned 12 months after its filing date and will not be subject to revival to restore it to pending status thereafter. See [35 U.S.C. 111\(b\)\(5\)](#). The period of pendency of a provisional application is extended to the next succeeding business day if the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or federal holiday within the District of Columbia. See [35 U.S.C. 119\(e\)\(3\)](#) and [37 CFR 1.7\(b\)](#). For example, if a provisional application was filed on January 15, 1999, the last day of pendency of the provisional application under [35 U.S.C. 111\(b\)\(5\)](#) and [35 U.S.C. 119\(e\)\(3\)](#) is extended to January 18, 2000 (January 15, 2000 is a Saturday and Monday, January 17, 2000 is a federal holiday and therefore, the next succeeding business day is Tuesday, January 18, 2000). A nonprovisional application claiming the benefit of the provisional application must be filed no later than January 18, 2000.

Effective December 18, 2013, a nonprovisional application that was filed more than 12 months after the filing date of the provisional application, but within 14 months after the filing date of the provisional application, may have the benefit of the provisional application restored by filing a grantable petition to restore the benefit under [37 CFR 1.78\(b\)](#). See [MPEP § 211.01\(a\)](#).

A provisional application is not entitled to claim priority benefits based on any other application under [35 U.S.C. 119, 120, 121, 365, or 386](#). If applicant attempts to claim the benefit of an earlier U.S. or foreign application in a provisional application, the filing receipt will not reflect the improper benefit or priority claim. Moreover, if a nonprovisional application claims the benefit of the filing date of a provisional application, and states that the provisional application relies upon the filing date of an earlier application, the claim for benefit or priority earlier than the filing date of the provisional application will be disregarded.

An application filed under [37 CFR 1.53\(b\)](#) may be converted to a provisional application provided a request for conversion is submitted along with the fee as set forth in [37 CFR 1.17\(g\)](#). The request and fee must be submitted in the nonprovisional application prior to the earlier of the abandonment of the nonprovisional application, the payment of the issue fee, or the expiration of 12 months after the filing date of the nonprovisional application. The grant of any such request will not entitle applicant to a refund of the fees which were properly paid in the application filed under [37 CFR 1.53\(b\)](#). See [MPEP § 601.01\(c\)](#). [35 U.S.C. 111\(b\)\(5\)](#) permits a provisional application filed under [37 CFR 1.53\(c\)](#) to be converted to a nonprovisional application filed under [37 CFR 1.53\(b\)](#). A request to convert a provisional application to a nonprovisional application must be

accompanied by the fee set forth in [37 CFR 1.17\(i\)](#) and an amendment including at least one claim as prescribed by [35 U.S.C. 112](#), unless the provisional application otherwise contains at least one such claim. The request must be filed in the provisional application prior to the earliest of the abandonment of the provisional application or the expiration of twelve months after the filing date of the provisional application. The filing fee, search fee, and examination fee for a nonprovisional application and the surcharge under [37 CFR 1.16\(f\)](#), if appropriate, are also required. For provisional applications filed before December 18, 2013, if the inventor's oath or declaration was not filed with the provisional application, it must be submitted with the request for conversion. The grant of any such request will not entitle applicant to a refund of the fees which were properly paid in the application filed under [37 CFR 1.53\(c\)](#). Conversion of a provisional application to a nonprovisional application will result in the term of any patent issuing from the application being measured from at least the filing date of the provisional application. This adverse patent term impact can be avoided by filing a nonprovisional application claiming the benefit of the provisional application under [35 U.S.C. 119\(e\)](#), rather than requesting conversion of the provisional application to a nonprovisional application. See [37 CFR 1.53\(c\)\(3\)](#).

Design applications may not make a claim for priority of a provisional application under [35 U.S.C. 119\(e\)](#). See [35 U.S.C. 172](#) and [37 CFR 1.78\(a\)](#).

PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 1 of 2

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. _____

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Additional inventors are being named on the _____ separately numbered sheets attached hereto.		
TITLE OF THE INVENTION (500 characters max):		
Direct all correspondence to: CORRESPONDENCE ADDRESS		
☐ The address corresponding to Customer Number:		
OR		
☐ Firm or Individual Name		
Address		
City	State	Zip
Country	Telephone	Email
ENCLOSED APPLICATION PARTS (check all that apply)		
☐ Application Data Sheet. See 37 CFR 1.76.		
☐ CD(s), Number of CDs _____		
☐ Drawing(s) <i>Number of Sheets</i> _____		
☐ Other (specify) _____		
☐ Specification (e.g., description of the invention) <i>Number of Pages</i> _____		
Fees Due: Filing Fee of \$260 (\$130 for small entity) (\$65 for micro entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is \$400 (\$200 for small entity) (\$100 for micro entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).		
METHOD OF PAYMENT OF THE FILING FEE AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT		
☐ Applicant asserts small entity status. See 37 CFR 1.27.		
☐ Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.		
☐ A check or money order made payable to the <i>Director of the United States Patent and Trademark Office</i> is enclosed to cover the filing fee and application size fee (if applicable).		
☐ Payment by credit card. Form PTO-2038 is attached.		
☐ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: _____.		
 TOTAL FEE AMOUNT (\$)		

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 2 of 2

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.	
☐	No.
☐	Yes, the invention was made by an agency of the U.S. Government. The U.S. Government agency name is: _____ _____
☐	Yes, the invention was made under a contract with an agency of the U.S. Government. The name of the U.S. Government agency and Government contract number are: _____ _____

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

SIGNATURE _____ DATE _____

TYPED OR PRINTED NAME _____ REGISTRATION NO. _____
(if appropriate)

TELEPHONE _____ DOCKET NUMBER _____

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

