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## **INSTRUCTIONS FOR COMPLETING OUR PATENT DECLARATION**

### **WHEN TO USE FORM**

- I. *All* patent applications, including Design patent applications, filed in U.S. whether "Sole" or "Joint."
- II. As a "Substitute" Declaration for pending applications.
- III. As a "Supplemental" Declaration for amended pending applications.

### **HOW TO USE FORM**

#### **For New Applications based on PCT; Paris Convention; without priority; PCT Continuation; or Provisional**

A. Box 101- Fill in title of invention, In English.

B. Box 102- For applications based on PCT, check square before "PCT International Application" and fill in number and filing date. For others, check square before "the attached specification" or if filing declaration after filing date, fill in the U.S. application number and filing date.

C. Box 103-

(1) Fill in requested information on the *first* filed foreign application filed within 12 months of the U.S. filing (6 months for Design patent applications) or, when based on a PCT International Application, *within* 12 months of the International Application date. If claiming priority, check "yes" and indicate if enclosing a certified copy.

(2) Fill in the requested information on all foreign applications filed *more* than 12 months: a) before U.S. filing (6 months for Design patent application) or b) before the International Application filing date. Check priority not claimed.

D. Box 104 - Only to be completed for a regular patent application filed within 12 months of, and based on, a U.S. Provisional Application. Fill in the application number and the filing date of each Provisional Application. The Provisional Application must also be referred to in the regular patent application.

E. Box 105 - Only to be completed for CONTINUATION; PCT CONTINUATION; CONTINUATION-IN-PART; OR DIVISIONAL Applications. Fill in the requested information identifying all prior U.S. patent application(s) from which the filing date for common subject matter is claimed, *e.g.* parent, grandparent, etc. For PCT Continuation applications fill in the PCT number and international filing date. All such prior applications must also be referred to in the specification to obtain benefit of 35 USC 120.

F. Boxes 201-203-

- (1) Fill in the requested information, noting that the first *or* middle name must be unabbreviated.
- (2) If more than three inventors, simply use additional Declaration forms or our Additional Inventors form, completing them in the same way, and check the square in the lower left hand corner indicating that additional sheets are attached.

G. Have inventors sign *and* date at the bottom of the form, noting the signature must be identical with the names in Boxes 201-203.

**FOR CONTINUATION; PCT CONTINUATION; CONTINUATION-IN-PART;  
DIVISIONAL; OR PROVISIONAL**

A. Complete in accordance with A-G above:

B. Pay particular attention to Box 105 remembering all such prior U.S. applications must also be referred to in the specification in the first paragraph thereof.

**SUBSTITUTE DECLARATION OR WHEN SUBSEQUENTLY FILING FIRST  
DECLARATION**

Complete, in accordance with A-G above except, in Box 102, check the square before "the specification in application" and fill in the Serial Number and Filing Date. You need not fill in the Serial Number when subsequently filing the first Declaration; however, you do need the filing date.

**SUPPLEMENTAL DECLARATION**

Fill in as for a SUBSTITUTE DECLARATION (see above) plus, In Box 102, specifically identify by filing date(s) any amendments made to the claims and/or description which the inventor(s) considers to be part of the invention.

## **IMPORTANT**

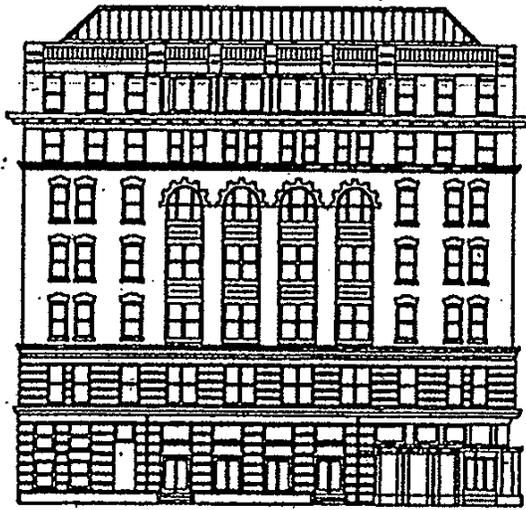
A. The P.T.O. will now accept a facsimile or e-mail copy of an executed Declaration. No need to send the original to us.

B. The Declaration must be completely filled in and executed as indicated above. U.S. attorneys or agents cannot modify the Declaration or application after the Declaration has been signed, even on your specific instructions (see 37 CFR 1.56). Patents have been voided because of such changes.

C. Any change necessary after typing the specification can be made in ink, in English, and each change must be initialed *and* dated by *each* inventor when executing the Declaration.

D. Failure to complete the Declaration correctly may necessitate a "Substitute" Declaration, at best, or could lose the filing date or affect the validity of the application or any Patent issuing thereon.

We realize the problems caused by these U.S. formal requirements and we have argued for their relaxation many times, and will continue to do so. For example, we would be happy to complete a Declaration after it was signed, provided we had accurate information, *but we, and all practitioners before P.T.O., are prohibited from doing so by the Rules of Practice*. So, within the framework of existing laws, we have devised the enclosed Declaration and trust it will ease your burden.



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