Disclosure Document Pamphlet

Introduction

The U.S. Patent and Trademark Office (PTO) retains for two years “Disclosure Documents” submitted as evidence of the date of conception of an invention.

Description of the Disclosure Document Program

A paper disclosing an invention and signed by the inventor or inventors may be forwarded to the PTO by the inventor (or inventors), by the owner of the invention, or by the attorney or agent of the inventor(s) or owner. The Disclosure Document will be retained for two years, and then be destroyed unless it is referred to in a separate letter in a related patent application filed within those two years.

THE DISCLOSURE DOCUMENT IS NOT A PATENT APPLICATION, AND THE DATE OF ITS RECEIPT IN THE PTO WILL NOT BECOME THE EFFECTIVE FILING DATE OF ANY PATENT APPLICATION SUBSEQUENTLY FILED. HOWEVER, LIKE PATENT APPLICATIONS, THESE DOCUMENTS WILL BE KEPT IN CONFIDENCE BY THE PTO.

This program does not diminish the value of the conventional witnessed and notarized records as evidence of conception of an invention. It should provide a more credible form of evidence than that provided by the popular practice of mailing a disclosure to oneself or another person by registered mail.

Content of Disclosure Document

The benefits provided by the Disclosure Document will depend upon the adequacy of the disclosure. It is recommended that the disclosure be a clear and complete explanation of the manner and process of making and using the invention. This description must be in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included.

Preparation of the Document

To facilitate the PTO’s electronic data capture and storage of the Disclosure Document, it must be on white letter-size (8½ by 11 inches) or A4 (21.0 by 29.7 cm) paper with each page numbered. Text and drawings must be sufficiently dark to permit reproduction with commonly used office copying machines. Oversized papers, even if foldable to the above dimensions, will
not be accepted. Attachments such as videotapes and working models will not be accepted and will be returned.

Other Enclosures

The Disclosure Document must be accompanied by a separate signed cover letter, stating that he/she is the inventor and requesting that the material be received into the Disclosure Document Program. The inventor’s request may take the following form:

“The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.”

The original submission will not be returned. A notice with an identifying number and date of receipt in the PTO will be mailed to the customer, indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired.

Disposition

The Disclosure Document is retained by the PTO for two years. After that time, it will be destroyed unless referred to in a separate letter in a related patent application filed within the two-year period. A letter must be filed in the related patent application, identifying not only the patent application, but also the Disclosure Document by its title, number, and date of receipt. Acknowledgment of such letters will be made in the next official communication or in a separate letter from the PTO.

Fee

Fees are subject to change annually and may be confirmed by calling the General Information Services Division at (703) 308-4357. As of June 1995, a fee of $10 is required. It must accompany the Disclosure Document when it is submitted to the PTO. A check or money order must be made payable to “Commissioner of Patents and Trademarks.” The Disclosure Document and payment must be mailed to the following address:

Assistant Commissioner for Patents
Box DD
Washington, DC 20231

A copy of a Disclosure Document as filed in the PTO will be furnished upon receipt of a written request (by the original submitter only) and a fee of $25.

Notice to Inventors

The two-year retention period should not be considered to be a “grace period” during which the inventor can wait to file his or her patent application without possible loss of benefits.
It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

Inventors not familiar with the requirement of “diligence in completing the invention” or “reduction to practice” under the U.S. patent law are advised to consult an attorney or agent registered to practice before the PTO. A publication, *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office* is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Patent attorneys and agents may be found in the telephone directories of most major cities. Also, many large cities have associations of patent attorneys that may be consulted.

Inventors are also reminded that any public use or sale in the United States or publication of the invention more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which have collections of patents and patent-related reference materials available to the public, including automated access to PTO data bases. Publications such as *General Information Concerning Patents* are available at the PTDLs. To find out the location of the PTDL closest to you, please consult the complete listing of all PTDLs that appears in every issue of the *Official Gazette* or call the PTO General Information Services Division at (703) 308-HELP/4357. To ensure assistance from a PTDL staff member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours.

Disclosure Documents may also be filed at the following PTDLs, who will then forward them to the PTO for processing and retention:

1. Sunnyvale Center for Innovation, Invention and Ideas, SCI
   465 South Mathilda Avenue
   Sunnyvale, CA 94086
   (408) 730-7290

2. Detroit Public Library
   5201 Woodward Avenue
   Detroit, MI 48202
   (313) 833-1450