

From: Levy Robert [e-mail address redacted]
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USE OF APPLICATION INFORMATION SHEET FOR THE DECLARATION AT FILING

During the US Patent and Trademark Office "Road Show" held on February 17th at the PTO, Acting Deputy Commissioner Drew Hirshfeld spoke of the need for applicants to submit their declaration on or shortly after filing of their US patent application so the USPTO can establish the identity of the inventors for prior art and double-patenting determination. Applicants who did not submit their declaration on or shortly after filing would be subject to a proposed \$3000 penalty.

While prompt establishment of the identity of the inventors remains important to advance examination, timely submission of the declaration can prove difficult for foreign applicants and for entities whose inventor(s) have left. To that end, the USPTO should allow a patent applicant to identify the inventor(s) via a patent application cover sheet. Having such information would enable the USPTO to commence timely examination while avoiding onerous penalties imposed on the applicant for its inability to obtain the declaration at the time of filing. Ultimately, the applicant would still need to provide a declaration as required by law.

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