

From: Sanjeev Singh [e-mail address redacted]
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To: aia_implementation
Subject: USPTO could provide a check box in patent application filing forms to ensure inventor(s) would divulge a Best Mode

TO: U. S. Patent and Trademark Office
Mail Stop Comments-Patents
Commissioner of Patents
P. O. Box 1450
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When there are no obvious ramifications, why would an inventor divulge a Best Mode when they can keep it as a trade secret?

To preserve the Congress's intent of full disclosure in exchange for the government grant of monopoly, a solution based on a guest post by Professor Christal Sheppard, the University of Nebraska Lincoln College of Law in Dennis Crouch's Patently-0 is proposed.

The USPTO could provide a check box in patent application filing forms (patent application transmittal), stating:

I (we), the inventor(s) acknowledge that a Best Mode (preferred embodiment of the invention) is disclosed and are aware that failure to disclose a Best Mode can result in up to a five year prison term.

or

I, the attorney or agent for applicant(s) acknowledge that a Best Mode (preferred embodiment of the invention) as disclosed by the inventor(s) is disclosed and the inventor(s) are aware that failure to disclose such a Best Mode can result in up to a five year prison term.

Alternatively, a similar affirmation from the inventor(s) only can be required in the Declaration.

If any abuses are discovered, the above affirmative act can be used to initiate action under 35 U.S.C. § 32 and 18 U.S.C. § 1001 as it may allow up to a five year prison term.

Best regards,
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