Tips for Application Data Sheets

Office of Patent Legal Administration

Office of the Deputy Commissioner

for Patent Examination Policy

Priority and Benefit Claims

- A claim for <u>foreign priority</u> under § 1.55(a)(1)(i) must be set forth in an ADS:

  – Presence of the priority claim in the oath or declaration will not be recognized.

- A claim for <u>domestic benefit</u> under § 1.78 must be set forth in an ADS:

  – Presence of the benefit claim in the first sentence(s) of the specification will not be recognized.

Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
59/956,507	02/03/2014	3773	1260	45456-0102	12	1

CONFIRMATION NO. 7285

12346

FILING RECEIPT

"OC00000057605684

Inventor(s)

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Applicant(s)

VICTOR PEST CONTROL COMPANY
Assignment For Published Patent Application
VICTOR PEST CONTROL COMPANY

Power of Attorney: The patent practitioners associated with Customer Number 12346

Domestic Benefit Data

Foreign Priority Data

Domestic Priority data as claimed by applicant
NONE

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)
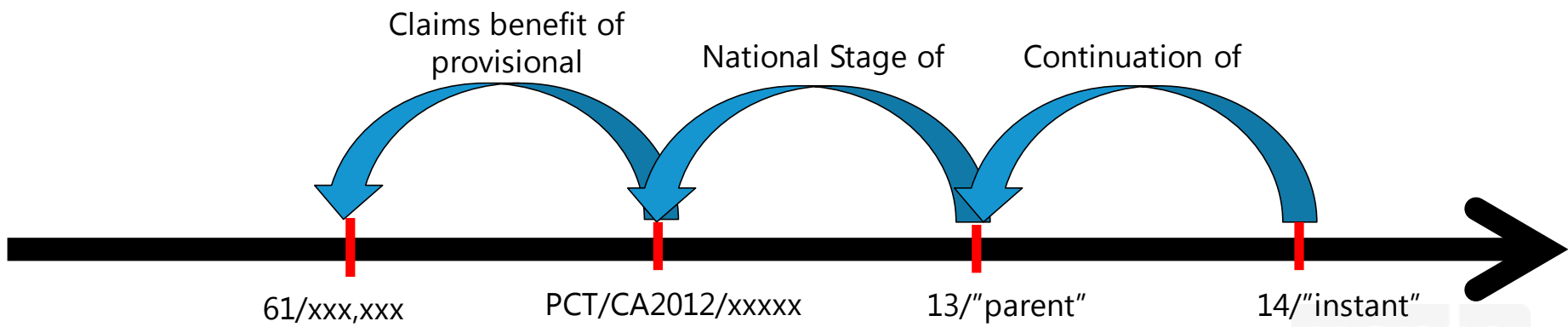REPUBLIC OF KOREA 12-2013-004567892   10/2/2013
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Check your filing receipt **promptly**. If something is wrong, take steps **immediately** to correct it.

3/7/2017

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Tips for Application Data Sheets

Former Domestic Benefit Claim Practice (in applications filed before September 16, 2012):

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-17.

Claims benefit of provisional   National Stage of   Continuation of

61/xxx,xxx   PCT/CA2012/xxxxx   13/"parent"   14/"instant"

Tips for Application Data Sheets: Newly Filed Application
(The portion of the benefit claim in red is shown on the ADS below)

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the application number blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

(Leave this box blank to signify "This application is a")

Tips for Application Data Sheets: Newly Filed Application

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the application number blank.

Prior Application Status	Pending			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	
	Continuation of	13/"parent"	2013-11-19	
Prior Application Status				Remove

No Relationship to instant application →

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the application number blank.

Prior Application Status	Pending			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	
13/ "parent"	Continuation of		2013-11-19	
Prior Application Status				Remove

Tips for Application Data Sheets
(The portion of the benefit claim in red is shown on the ADS in the second row)

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the application number blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Tips for Application Data Sheets

This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was <u>the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16</u>, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

These blanks will be read as "this application is" which is inappropriate because the instant application is not directly related to both applications.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Tips for Application Data Sheets

(The portion of the benefit claim in red is shown on the ADS in the third row)

Information captured on the filing receipt:
This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the application number blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Note: "nonprovisional of" is also an acceptable relationship to a prior-filed provisional application

Tips for Application Data Sheets

Where the application that you are filing includes more than one "chain" of domestic benefit claims, you can start a new chain by leaving the left box blank again to signify "This application is a." For example, the application that you are filing may be a continuation of two different earlier nonprovisional applications. The benefit claim information that is captured on the filing receipt would read as follows:

Information captured on the filing receipt:
This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017; and is a continuation of U.S. Application No. 14/"parent", filed 2014-03-27, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2013-04-10.

The next slide shows how the second benefit claim "chain" would be entered into the Application Data Sheet.

Tips for Application Data Sheets

(The portion of the benefit claim in red is shown on the ADS below)

Information captured on the filing receipt:
This application is a continuation of U.S. Application No. 13/"parent", filed on 2013-11-19, which was the National Stage of International Application No. PCT/CA2012/xxxxx, filed on 2012-05-16, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2011-05-2017; and is a continuation of U.S. Application No. 14/"parent", filed 2014-03-27, which claims the benefit of U.S. Provisional Application No. 61/xxx,xxx, filed on 2013-04-10.

Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	14/"parent"	2014-03-27
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
14/"parent"	Claims benefit of provisional	61/XXX,XXX	2013-04-10
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.			Add

(Left blank to signify "This application is a")

"Take Home"

- ➢ Be sure to indicate the correct relationship and order of the domestic benefit applications listed on the ADS. If the order is incorrect, then the Office of Patent Application Processing (OPAP) may not accurately capture the entire benefit claim.

    - – An example of an incorrect relationship is misidentifying a 111(a) CON as a 371 national stage entry of the PCT application, or vice versa

    - – Another example is non-specific relationship identifiers (*e.g.*, "Continuing" is non-specific; must be Continuation, Divisional or CIP).

- ➢ The order of the applications should be listed beginning from the instant application and continuing through the list of parents in reverse chronological order (newest to oldest).

Tips for Application Data Sheets

Scenario for correcting an ADS:
Initial filing receipt shows no domestic benefit claims because they were incorrectly entered on the initial ADS. The initial ADS contained the following information:

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the application number blank.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Claims benefit of	13/"parent"	2013-11-19
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Continuation of	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Tips for Application Data Sheets

Scenario for correcting an ADS:
Initial filing receipt shows no domestic benefit claims because they were incorrectly entered on the initial ADS. An appropriate and timely, **corrected ADS** with markings <u>to show changes relative to the information of record</u>, as shown below, will be effective.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the application number blank.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/"parent"	2013-11-19
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Tips for Application Data Sheets

Scenario for correcting an ADS:

Where information of record is being changed, the ADS should identify the information being deleted with strike-through or brackets, and should identify the information being added with underlining.

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the application number blank.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	~~Continuation of~~ Division of	13/"parent"	2013-11-19
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/"parent"	a 371 of international	PCT/CA2012/XXXXX	2012-05-16
Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
PCT/CA2012/XXXXX	Claims benefit of provisional	61/XXX,XXX	2011-05-17

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Tips for Application Data Sheets

➤ A corrected ADS should be accompanied by a properly identified/indexed paper requesting action, such as,
  - a **request for a corrected filing receipt** or
  - a request to correct inventorship (§ 1.48 request)
  - a request to change the applicant (under § 1.46(c))

➤ It is important to use the proper document code when filing documents via EFS-Web
  - Many document codes have auto-messaging tied to them; use of a specific code will notify the office responsible for the processing of that document type
  - Use of the wrong document code can delay processing of the papers