§ 1.68 Declaration in lieu of oath.

Any document to be filed in the Patent and Trademark Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration. Such declaration may be used in lieu of the oath otherwise required, if, and only if, the declarant is on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. The declarant must set forth in the body of the declaration that all statements made of the declarant’s own knowledge are true and that all statements made on information and belief are believed to be true.

§ 1.69 Foreign language oaths and declarations.

(a) Whenever an individual making an oath or declaration cannot understand English, the oath or declaration must be in a language that such individual can understand and shall state that such individual understands the content of any documents to which the oath or declaration relates.

(b) Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under §1.68, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.


§ 1.70 [Reserved]

SPECIFICATION

AUTHORITY: Secs. 1.71 to 1.79 also issued under 35 U.S.C. 112.

§ 1.71 Detailed description and specification of the invention.

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

(d) A copyright or mask work notice may be placed in a design or utility patent application adjacent to copyright and mask work material contained therein. The notice may appear at any appropriate portion of the patent application disclosure. For notices
in drawings, see §1.84(s). The content of
the notice must be limited to only
those elements provided for by law. For
example, “© 1983 John Doe” (17 U.S.C.
401) and “*M* John Doe” (17 U.S.C. 909)
would be properly limited and, under
current statutes, legally sufficient no-
tices of copyright and mask work, re-
spectively. Inclusion of a copyright or
mask work notice will be permitted
only if the authorization language set
forth in paragraph (e) of this section is
included at the beginning (preferably
as the first paragraph) of the specifi-
cation.

(e) The authorization shall read as
follows:

A portion of the disclosure of this patent
document contains material which is subject
to (copyright or mask work) protection. The
(copyright or mask work) owner has no ob-
jection to the facsimile reproduction by any-
one of the patent document or the patent
disclosure, as it appears in the Patent and
Trademark Office patent file or records, but
otherwise reserves all (copyright or mask
work) rights whatsoever.

(f) The specification must commence
on a separate sheet. Each sheet includ-
ing part of the specification may not
include other parts of the application
or other information. The claim(s), ab-
stract and sequence listing (if any)
should not be included on a sheet in-
cluding any other part of the applica-
tion.

(g)(1) The specification may disclose
or be amended to disclose the names of
the parties to a joint research agree-
ment (35 U.S.C. 103(c)(2)(C)).

(2) An amendment under paragraph
(g)(1) of this section must be accom-
panied by the processing fee set forth
in §1.17(i) if not filed within one of the
following time periods:
(i) Within three months of the filing
date of a national application;
(ii) Within three months of the date
of entry of the national stage as set
forth in §1.491 in an international ap-
lication;
(iii) Before the mailing of a first Of-
fice action on the merits; or
(iv) Before the mailing of a first Of-
fice action after the filing of a request
for continued examination under
§1.114.

(3) If an amendment under paragraph
(g)(1) of this section is filed after the
date the issue fee is paid, the patent as
issued may not necessarily include the
names of the parties to the joint re-
search agreement. If the patent as
issued does not include the names of
the parties to the joint research agree-
ment, the patent must be corrected to
include the names of the parties to the
joint research agreement by a certifi-
cate of correction under 35 U.S.C. 255
and §1.323 for the amendment to be ef-
fective.

[24 FR 10332, Dec. 22, 1959, as amended at 53
FR 47808, Nov. 28, 1988; 58 FR 38723, July 20,
1993; 68 FR 38628, June 30, 2003; 70 FR 1823,
Jan. 11, 2005; 70 FR 54266, Sept. 14, 2005]

§ 1.73 Summary of the invention.

(a) The title of the invention may not
exceed 500 characters in length and
must be as short and specific as pos-
sible. Characters that cannot be cap-
tured and recorded in the Office’s auto-
mated information systems may not be
reflected in the Office’s records in such
systems or in documents created by
the Office. Unless the title is supplied
in an application data sheet (§1.76), the
title of the invention should appear as
a heading on the first page of the speci-
cification.

(b) A brief abstract of the technical
disclosure in the specification must
commence on a separate sheet, pref-
errably following the claims, under the
heading “Abstract” or “Abstract of the
Disclosure.” The sheet or sheets pre-
senting the abstract may not include
other parts of the application or other
material. The abstract in an applica-
tion filed under 35 U.S.C. 111 may not
exceed 150 words in length. The purpose
of the abstract is to enable the United
States Patent and Trademark Office
and the public generally to determine
quickly from a cursory inspection the
nature and gist of the technical disclo-
sure.

[65 FR 54667, Sept. 8, 2000, as amended at 65
FR 57054, Sept. 30, 2000; 68 FR 38628, June 30,
2003]