Quick Start Guide

EFS-Web eTerminal Disclaimer

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1. Introduction

eTerminal Disclaimer- provides applicants with greater control over when their Terminal Disclaimers are filed and promotes greater efficiency in the patent examination process. This web-based eTerminal Disclaimer can be filled out completely online through web-screens and no EFS-Web fillable forms are required. eTerminal Disclaimers are auto-processed and approved immediately upon submission if the request meets all of the requirements.

Fees must be paid immediately which will then provide users more financial flexibility. A paper filed Terminal Disclaimer includes a fee but does not guarantee a granted Terminal Disclaimer.

The resource page for eTerminal Disclaimer can be located at:
www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp

This Quick Start Guide will provide you with the information you need in order to rapidly understand how to file an eTerminal Disclaimer, including a brief overview of the process and screen shots that identify critical aspects of the product.

A more comprehensive guide on how to use EFS-Web can be found at the EFS-Web Guidance and Resources page located at:
http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

2. Basic Guidelines for Filing eTerminal Disclaimers:

- Must be a registered eFiler.
- Must be able to access EFS-Web registered.
- Registered eFiler users are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative paper filing when transmission cannot be initiated or correctly completed.
- The ability to submit an eTerminal Disclaimer under EFS-Web Contingency is not permitted.
- Consult the current fee schedule available at http://www.uspto.gov/about/offices/cfo/finance/fees.jsp for the correct fee amount. The fee required to be paid upon filing a request for eTerminal Disclaimer is: Statutory disclaimer, including terminal disclaimer.

- In accordance with MPEP 1490 V and 37 CFR 1.321, Terminal Disclaimers (including eTerminal Disclaimers) will only be considered in compliance with the requirements when filed into a PENDING Nonprovisional Utility application (including national stage and reissue) or PENDING Design application (including reissue). If an eTerminal Disclaimer is filed after payment of the issue fee but before the patent grant date, a request for Certificate of Correction must be filed requesting that the face of the patent be amended to state --This patent is subject to a terminal disclaimer.

- Requests for terminal disclaimers for plant applications, reexaminations and terminal disclaimers based on a joint research agreement must be filed by paper.

Warning: For your protection, your EFS-Web sessions will time-out after one hour of inactivity. An eTerminal Disclaimer request that has not been submitted after one hour of inactivity will be lost. You will need to login to EFS-Web again and re-enter the eTerminal Disclaimer from the start.

3. Filing an eTerminal Disclaimer:

Application Process

Once you have signed on to EFS-Web as a registered user, you will need to certify that you are the certificate holder or working under the authority of the certificate holder.

To submit an eTerminal Disclaimer, you must select the radio button located next to "**Existing application/patent**". The Web screen will expand to display additional options. Select the radio button next to "**eProcessing** (Electronic Terminal Disclaimer and other requests for automatic processing)" then select **eTerminal Disclaimer (for automatic processing and immediate approval, if all requirements are met).** A valid application and confirmation number must be entered followed by the certification statement.

Note: Information entered on the Certification screen cannot be edited on subsequent screens. Please review the application number, confirmation number, and other data entered carefully before continuing. If you need to make a change to the data entered on the Certification screen after you have proceeded to later screens, please click the **Cancel** button at the bottom of page to restart the request.

Existing application/patent

Select Type of Submission for Existing Application

Documents/Fees for an existing application

(A request for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents)

ePetition (for automatic processing and immediate grant, if all petition requirements are met)

eProcessing (Electronic Terminal Disclaimer and other requests for automatic processing)

eTerminal Disclaimer (for automatic processing and immediate approval, if all requirements are met)

*Application Number (EXAMPLE: 99999999 , 99/999999 or 99/999,999)

*Confirmation Number (EXAMPLE: 1234)

*I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

A sole inventor

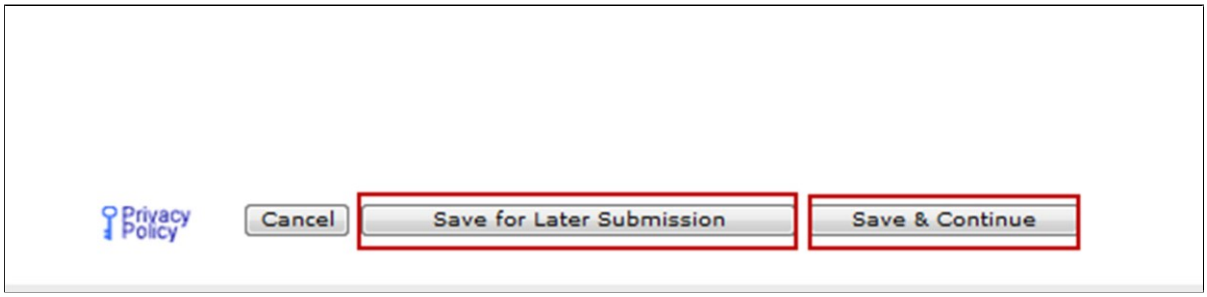
A joint inventor; I certify that I am authorized to sign this submission on behalf of all the inventors

A joint inventor; all of whom are signing this request

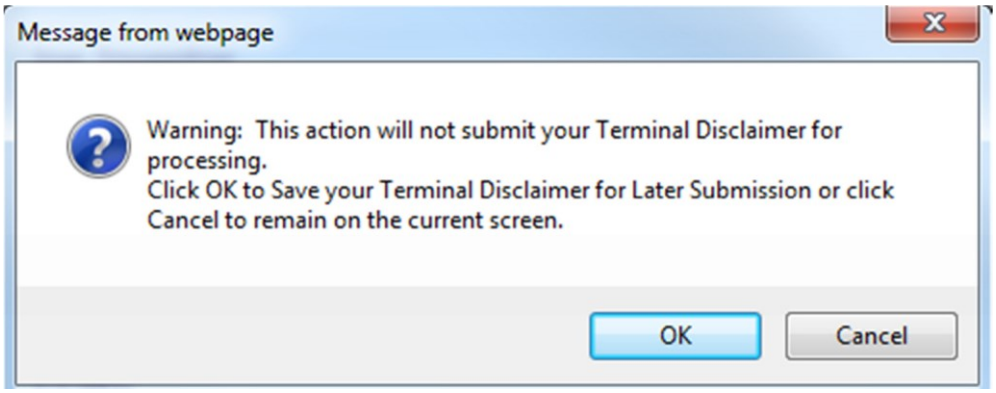
The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Save for Later Submission

When preparing an eTerminal Disclaimer the applicant has the option of saving the submission for later. Under the "Application Data" tab the applicant must complete all of the necessary fields in order to save the submission for later. At the bottom of the screen the option to click on "**Save for Later Submission**" or "**Save & Continue**" is available.



If the applicant clicks on "**Save & Continue**" the submission will be saved on the EFS-Web server. The applicant is then allowed to advance to the next screen towards finalizing the submission. The applicant still has the ability to work on the eTerminal Disclaimer even though it has been saved. If the applicant clicks on "**Save for Later Submission**" a pop-up warning will appear notifying the applicant of the action and clicking on "**OK**" will save the submission for later.



After clicking on "**OK**" the next screen will display the saved application for later submission. There is a notification statement that explains that the submission has not been filed officially at the USPTO until the applicant executes the Submit function. The screen also displays application data and which documents have been saved for later submission. A statement at the bottom of the screen details how long the submission will be saved.

Saved Applications for Later Submission

A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT AND/OR PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

This is the application data that has been saved for later submission.

EFS ID	4378631
Saved Date	22-NOV-2011 09:45:44
Title of Invention	Invention Title
First Named Inventor	Joe Inventor
Customer Number or Correspondence Address	USPTO 600 Dulany Street Alexandria VA 22314
Filed By	Joe Inventor
Attorney Docket Number	12345
Application Type	Utility under 35 USC 111(a)

You may take the following actions:

Print Record

Save Record

File Another Application

The following documents have been saved for later submission.

Files to be Submitted	Page Count	Document Description	File Size	Validation Status Message
eTerminal-Disclaimer.pdf	2	Electronic Terminal Disclaimer-Filed	33413 byte	PASS

Documents will be saved for your convenience until midnight Eastern Time on 29-NOV-2011 and then will be deleted.

In order to retrieve your saved submission package, you must log in as a registered eFiler. On the EFS-Web page you must select "**My Workplace**", and then click on the link "**Saved Submission Package**." Next, select "**My Saved Packages**" and click on the drop down menu to select an eFiler and click on the button "**Retrieve**." This will retrieve your saved submission packages. Fill in the radio button under "**Select**" in order to choose the particular saved package and click "**Continue**".

EFS Registered

Registered eFilers | Please Read Announcements

Certification

A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.

All items denoted by * are required.

dvisory (190CT2011): Java 6 Update 29 and Java 7 are currently not compatible and not supported 1n EFS·Web and Private PAIR.

dvisorv (170CT2011):Due to system maintenance, EFS-Web and EFS-Web Contingency will be unavailable starting at 12:01a.rn. and ending 4 a.m. ET Saturday, October 22.

Advisory (03OCT2011): Effective on Monday, Sept. 26, applicants may file a Track Iapplication via EFS-Web.
See Quick Start Guide, Form, Federal Register notice
See FAQs

IMPORTANT: Please read the Leoal Framework for using EFS-Web. For information on the Paperwork Reduction Act, please see the OMB Clearance and PRA Burden Statement page.

Your Digital Certificate has been authenticated - please certify your identity:

◉ Icertify that Iam the certificate holder Joehventor

○ Icertify that Iam working under the authority of the certificate holder: Joehventor

*Main Functions

○ New application

(This includes new filings of continuation, divisional, and continuation-in-part applications. A request for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents and must be filed as a registered eFiler.)

○ Existing application/patent 0

My Workplace

Select a My Workplace Function

Saved Submission Package

View last 40 eFiling Acknowledgement Receipts

[EJ My Saved Packages O

IIJoehventor :::JII Retrieve

○ Saved Packages by Customer Number 0

Saved Packages (Hved within the last 7 calendar days, but not submitted to the USPTO):

Select	Date	EFS-ID		Docket Number	First Named Inventor / Applicant Name	Registered Practitioner/ eFiler
○	CT-	99999999	My Important Invention	99-999999	Joe Inventor	Joe Inventor/

Cancel 11

eTerminal Disclaimer Filing Requirements:

- The user must enter a valid US application number and can be filed to the following application types:
  - Utility (including 371 and reissue)
  - Design (including 371 and reissue)

- If the filer is an attorney or agent, the filer must have power of attorney over the entered application number. The entered registration number must be valid.

- Registered Attorneys acting in a representative capacity may <u>not</u> file eTerminal Disclaimers.

- No documents need to be attached for this submission.

To start this eTerminal Disclaimer, you will need to enter the application number and confirmation number. Then certify your identity.

Existing application/patent

Select Type of Submission for Existing Application

Documents/Fees for an existing application

(A request for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents)

ePetition (for automatic processing and immediate grant, if all petition requirements are met)

eProcessing (Electronic Terminal Disclaimer and other requests for automatic processing)

eTerminal Disclaimer (for automatic processing and immediate approval, if all requirements are met)

*Application Number (EXAMPLE: 99999999 , 99/999999 or 99/999,999)

*Confirmation Number (EXAMPLE: 1234)

*I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all the inventors

A joint inventor; all of whom are signing this request

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

If there is a validation error, an error message will be displayed at the top of the screen and near the data field containing the error.

The petition requestor does not have Power of Attorney.

Your Digital Certificate has been authenticated - please certify your identity:

I certify that I am the certificate holder **Joe Smith**

I certify that I am working under the authority of the certificate holder: **Joe Smith**

*Main Functions

New application

(This includes new filings of continuation, divisional, and continuation-in-part applications. A reque application (CPA) are considered existing documents and must be filed as a registered eFiler.)

Existing application/patent

Select Type of Submission for Existing Application

Documents/Fees for an existing application

(A request for continued examination (RCE) and continued prosecution application (CPA) ar

ePetition (for automatic processing and immediate grant, if all petition requirements are

eProcessing (Electronic Terminal Disclaimer and other requests for automatic processin

eTerminal Disclaimer (for automatic processing and immediate approval, if all re

*Application Number 59000000 (EXAMPLE: 99999999 , 99/

*Confirmation Number 12345 (EXAMPLE: 1234)

*I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Tradema

*Name Joe

*Registration Number 54321 (EXAMPLE: 12345)

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on be

A joint inventor; all of whom are signing this request

The assignee of record of the entire interest that has properly made itself c

The petition requestor does not have Power of Attorney.

Application Data

On the Application Data Screen, both certification statements must be selected in order to proceed. If you are unable to select any of the statements, you are not eligible to submit the eTerminal Disclaimer.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT AND/OR PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Application Number	59000000
Title of Invention	Invention Title
First Named Inventor	Joe Inventor
Customer Number or Correspondence Address	USPTO 600 Dulany Street Alexandria VA 22314
Filed By	Joe Inventor
Attorney Docket Number	12345
Application Type	Utility under 35 USC 111(a)

Electronic Request

Please read and acknowledge the statements below by checking the boxes.

☑ * Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action.

☑ * This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

In the Owner field, you may enter up to 240 characters in the text box. A counter will reveal how many characters you have left.
In the Ownership Percentage field, enter the percentage number and then click the **Add owner** button. If you do not click the button the entry will not be stored.

Owner(s)

Enter owner(s) of the instant application below. Click the "Add Owner" button after entering each one. If an assignee is the assignee of an undivided interest in the entirety, then each should indicate 100%. Total ownership percentage must be at least 100%.

***Owner (Maximum characters: 240)**

ABC Inc.

You have 232 **characters left.**

***Ownership Percentage**

100 **%** Add owner

To add the entry, you must click on the "Add owner" button

If you need to delete an entry, click on the Remove button. You also have the ability to add additional owners if needed. At least one owner must be added in this section.

Owner(s)

Enter owner(s) of the instant application below. Click the "Add Owner" button after entering each one. If an assignee is the assignee of an undivided interest in the entirety, then each should indicate 100%. Total ownership percentage must be at least 100%.

Owner	Ownership Percentage (%)	
ABC Inc.	100	Remove

***Owner (Maximum characters: 240)** ***Ownership Percentage**

% Add owner

You have 240 characters left.

In the Terminal Disclaimer request over "reference" application section, the application number needs to have a matching filing date. Similar to the owner section, you must click on the **Add Application** button to add the entry. You also have the ability to add multiple applications in this section.

Terminal Disclaimer request over "reference" application(s)

The Owner(s) listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number(s)

Enter "reference" application(s) below. Click the "Add Application" button after entering each one.

***Application Number** ***Filing Date**

99999999 09 / 09 / 1999 Add Application

(EXAMPLE: 99999999 ; 99/999999 or 99/999,999) **(MM/DD/YYYY)**

To add the entry, you must click "Add Application

In the Terminal Disclaimer request over "prior" patent section, enter the patent number and click on the **Add Patent** button to add the entry. A valid patent number must be entered. Multiple patents may be added in this section.

Terminal Disclaimer request over "prior" patent(s)

The Owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

Enter "prior" patent(s) below. Click the "Add Patent" button after entering each one.

***Patent Number**

9999999 Add Patent

To add the entry, you must click on "Add Patent"

(EXAMPLE: 9,999,999, 9999999 or D999999)

Note: A minimum of one application or patent number must be entered on this page.

You must indicate if the fees have been previously filed or will accompany the eTerminal Disclaimer. You also must indicate the current entity status. If you certify the terminal disclaimer has already been paid, the entity status section will not appear.
At the bottom of the screen you will need to complete user information and provide an S-signature. *(Please refer to EFS Web Legal Framework, Section F. Signature Policy.)*
Click on Save & Continue to proceed to the next screen.

Terminal Disclaimer Fee

Terminal disclaimer fee under 37 CFR 1.20(d) included with Electronic Terminal Disclaimer request.
I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above identified application.

*Entity Status:
Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
Applicant(s) status remains as SMALL ENTITY.

Certification

*I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

A sole inventor

*Signature /Joe Inventor/ (EXAMPLE: /John Smith/)

*Name Joe Inventor

Privacy Policy | Cancel | Save for Later Submission | Save & Continue

Calculate Fees

On the calculate fees screen, the required fee is automatically displayed. Below is an example of the Terminal Disclaimer fee for small entity. Click **Continue** to proceed.

EFS Registered

Registered eFilers | Please Read Announcements | Application Data | Attach Documents | Review Documents | Calculate Fees | Confirm & Submit | Pay Fees | Receipt

Calculate Fees

A submission has not been filed officially at the USPTO until the e-filer executes the Submit function and the documents are received at the USPTO Eastern Time. The Acknowledgement Receipt is evidence of this submission.

Miscellaneous Patent Fees

	FeeCode	Small
Statutory or terminal disclaimer	2814	$80

Total Fees Due: $ 80

Privacy Policy | Cancel | Continue

Confirm & Submit

EFS-Web will display a screen with the selections you made. This gives you an opportunity to confirm your choices to make sure you have selected the necessary options. The eTerminal-Disclaimer.pdf document is generated by EFS-Web to show the information that you have entered. You can review this document by clicking on the hyperlinked PDF. This document will be loaded into the electronic application file (i.e., IFW), if your eTerminal Disclaimer is approved.

To make any changes, you must go to the **Application Data tab**. On the Confirm & File screen, information provided as well as files to be submitted is displayed. Once you have confirmed your selections, click the **File&Pay** button to file your eTerminal Discliamer. If Terminal Disclaimer fee is accompanying the submission, the EFS-Web payment screen will display. Your fee payment must be successfully processed in order for you to receive the eTerminal Disclaimer Approval Letter.

Below is an example of Confirm & Submit Screen. **Note:** This page is read-only.

Terminal Disclaimer request over "prior" patent(s)

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

Patent Number	Issue Date	Title of Invention	First Named Inventor
1234567	03/30/2004	Invent now	Mitchell

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Terminal Disclaimer Fee

- (●) Terminal disclaimer fee under 37 CFR 1.20(d) included with Electronic Terminal Disclaimer request.
- ( ) I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above identified application.

*Entity Status:

- ( ) Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- (●) Applicant(s) status remains as SMALL ENTITY.

This is the fee data associated with your submission.

Total Fees Due: $ 80

To Review a Document, please click on the document name.

Sequence	Files to be Submitted	Page Count	Document Description	File Size	Validation Status Message
1	eTerminal-Disclaimer.pdf	2	Electronic Terminal Disclaimer-Filed	32543 byte	PASS
	No validation errors found.				
2	fee-info.pdf	2	Fee Worksheet (PTO-06)	29022 byte	PASS
	No validation errors found.				

Certification

*I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- (●) A sole inventor

*Signature /Joe Inventor/

*Name Joe Inventor

Online fee payment is required for ePetition processing.

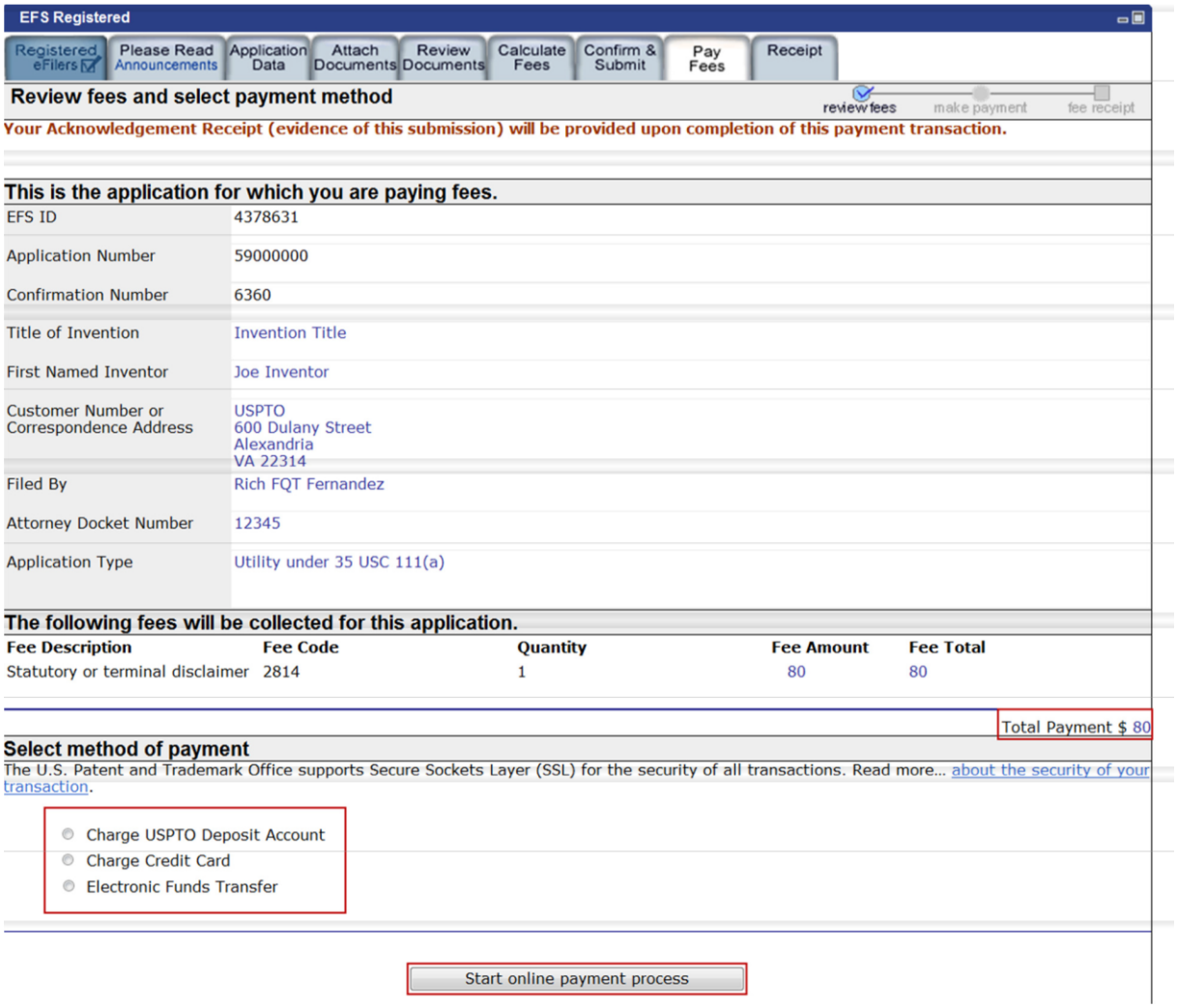
The USPTO's **RAM** payment server is ready to accept your fee payments using a USPTO Deposit Account , an Electronic Funds Transfer , or one of the following credit cards: American Express, Discover, MasterCard, or Visa. Please have all access codes, account numbers and account holder information ready to ensure a successful online payment experience.

Select **File ePetition & Pay** to finalize your electronic petition request and enter your online fee payment. Your session will timeout from inactivity in one hour, so you must complete the payment transaction within this timeframe. If the submission timeouts, your ePetition will be unprocessed.

Save for Later Submission | Cancel | File&Pay

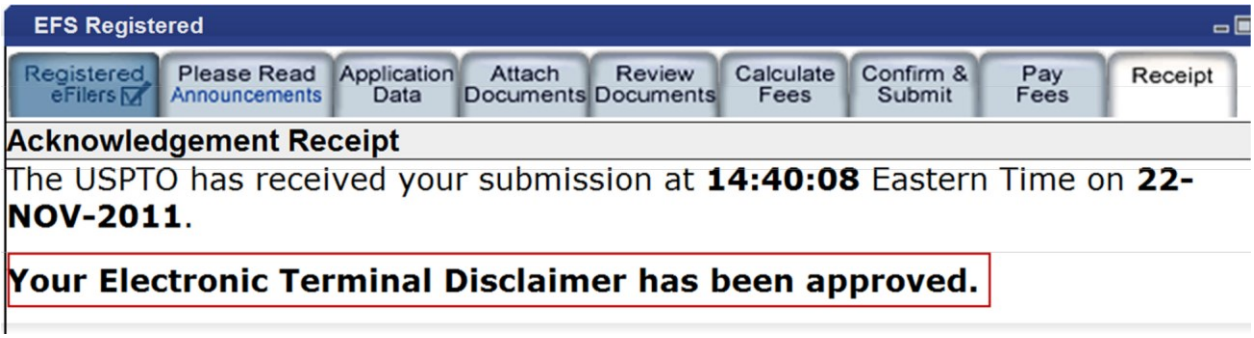
Pay Fees

When paying fees, you have the option of paying via Charge USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer. Select the radio button that coincides with your method of payment. The review fees section of the Pay Fees screen will display the fees being collected for the application. The Total Payment is listed on the bottom right of the screen. To make a payment, click the "Start online payment process" button located at the bottom of the screen.

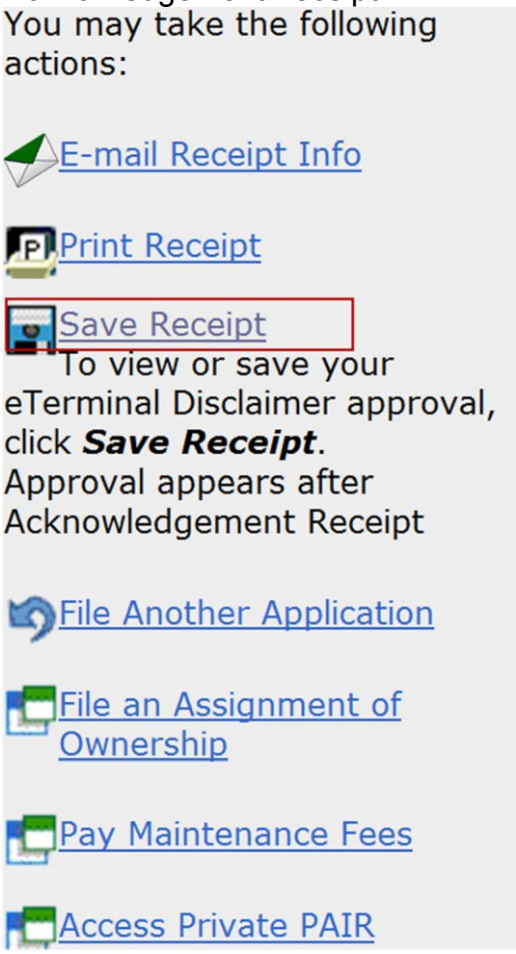


Receipt

Once you have provided all of the necessary payment information, you will receive your Acknowledgement Receipt on the screen. You also have several actions you may take like printing or saving the receipt. If you submit your application as a registered eFiler you also have to option of viewing the acknowledgement receipt under My Workplace of EFS-Web. The Acknowledgement Receipt displays the application details of the submission, including the total amount paid.



Click on the Save Receipt link to view or save the Approval Letter and Acknowledgement Receipt.



Below is an example of the Approval Letter:

Application No.: 59000000

Filing Date: 01-Jan-0001

Applicant/Patent under Reexamination: Inventor et al.

Electronic Terminal Disclaimer filed on November 22, 2011

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

To ensure that your application is complete and loaded correctly, you can review your filed application in Private PAIR as a Registered eFiler. Submissions are available in Private PAIR approximately 15 minutes after they are submitted in EFS-Web.

If you have any questions or concerns regarding filing in EFS-Web, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email ebc@uspto.gov or telephone 866-217-9197.