

USPTO to Eliminate the Disclosure Document Program

The USPTO will eliminate its Disclosure Document Program on February 1, 2007. The USPTO implemented the Disclosure Document Program in 1969 to provide inventors not ready to file for a patent with an alternative method of establishing the date of conception of an invention. The date of conception is important in establishing who the first inventor is in the event another inventor applies for a patent for the same invention.

The Disclosure Document Program is rarely used, and some inventors who do use it erroneously believe that they are filing an application for a patent. Of more than 3 million patents issued since 1976, only 1,330 (0.04%) reference a disclosure document.

Since 1995, inventors have been able to file a provisional patent application with the USPTO. A provisional application provides more benefits and protections to inventors than the disclosure document. The latter merely establishes a conception date; whereas a provisional patent application establishes a filing/priority date and allows the term "patent pending" to be applied to the invention.

A provisional application must contain a full disclosure of the invention, including drawings where necessary, and a cover sheet identifying the inventor(s). To maintain the priority date, a formal patent application for the invention must be filed within one year.

For more information, see the *Federal Register* notice:

<http://www.uspto.gov/web/offices/com/sol/notices/71fr64636.pdf>.