2022 Virtual PCT Training Seminar

Session 5

Applicants of Convenience

Preparing a PCT Request – Making Use of ePCT and Getting Benefit of Validations, Avoiding Malpractice on Priority Claim Mistakes

Friday, February 18, 2022

Schwegman Lundberg & Woessner | slwip.com

Before We Get Started...



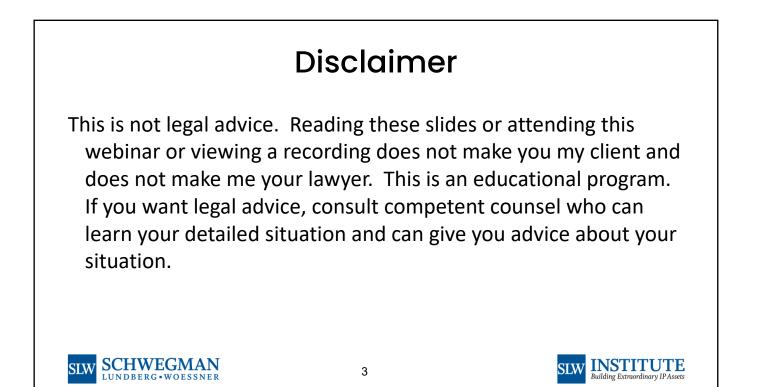
A recording of this session will be posted to the Attendee Hub after the live session ends.

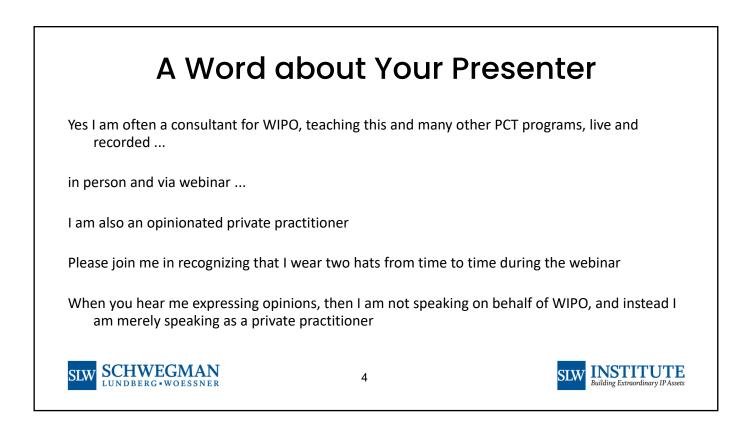


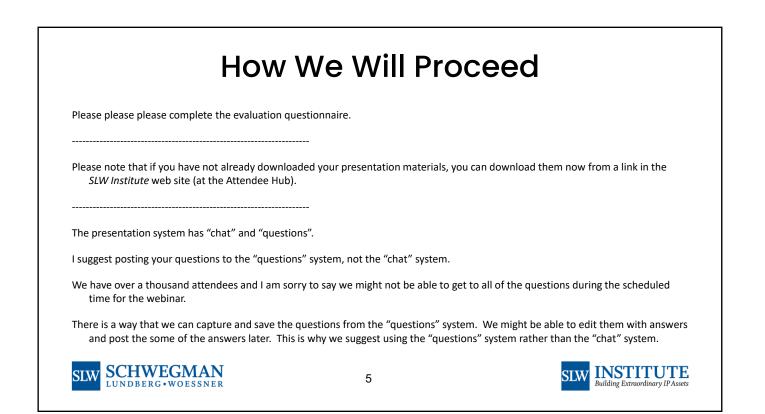
Please enter questions in the Q&A feature in the Zoom menu. **Social**

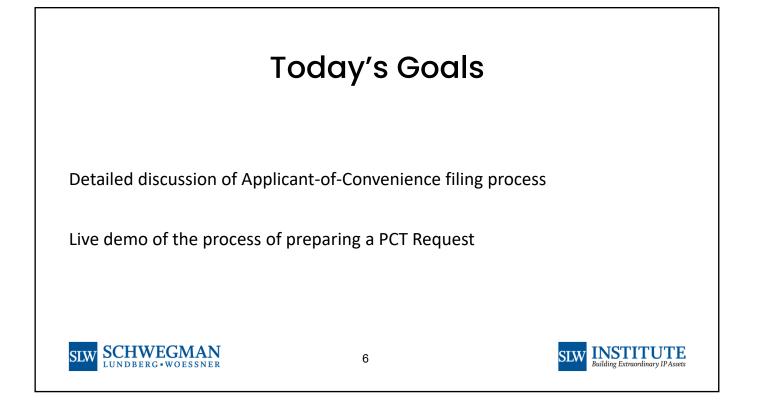
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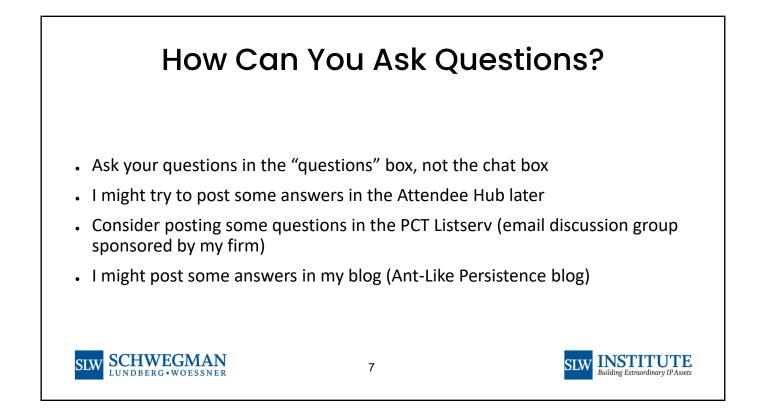
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Without further del	ay, go to the WIP	O web site and subscribe to the PCT Applicant's gu	IIde!	
The last you heard f increase on April 1,		ys ago) the price for ISA/JP was \$1405. Now we lear	rn that it is g	oing to
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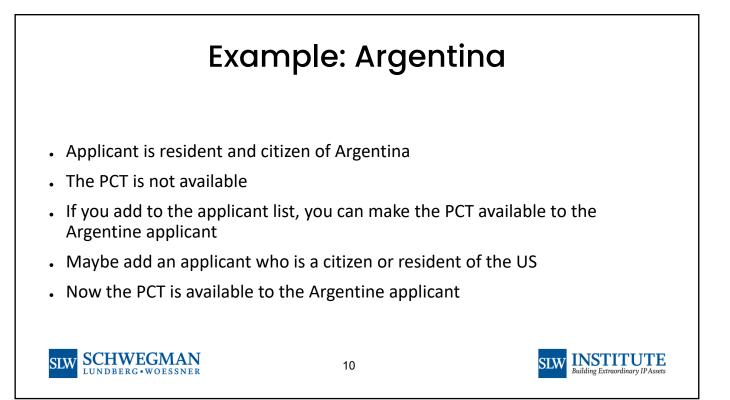
INSTITUTE

Applicant of Convenience

- It is the applicant list that determines whether or not the PCT is available at all
- . It is the applicant list that determines which ROs you can choose from
- . It is the RO that determines which kinds of ROROP requests you can file
- It is the RO that determines what transmittal fee you have to pay
- . It is the RO that determines what e-filing system you get to use
- . It is the RO that determines what time zone controls for your filing
- It is the RO that determines what language or languages may appear in your PCT application
- . It is the RO that determines which ISA or ISAs you have to choose from
- . It is the ISA that you choose that determines what IPEAs you have to choose from
- And, most importantly, you get to control your applicant list

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Example: Maybe You Are Accustomed to Only Being Able to Pick ISA/EP

Example: applicant is from AL, AT, BA, BW, CH, CY, DE, EE, FR, GB, GR, HR, IE, IT, LU, ME, MK, MT, MW, NL, PT, SC, SI, TN

This would normally mean the only choice for ISA is ISA/EP

Suppose your claims are very close to being pure business methods or are very close to being pure software implementations

ISA/EP might not be your best choice for an ISA

Add an applicant who is a US resident or citizen

This makes RO/IB available

Now the applicant's ISA choices include ISA/AU, ISA/IL, ISA/JP, ISA/KR, ISA/SG, ISA/RU, ISA/US



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A PCT application is a bundle of 127 patent applications. Arguably what you do in one of those patent applications has little or no effect on the other 126 patent applications. You could assign rights as to one of those applications separately from any of the other 126 applications.





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Application for Purposes of Malawi

What some practitioners do is set up an assignment of rights from the applicant over to a suitable US resident A. The assignment recites that A is the assignee of rights with respect to the Malawi designation of the to-be-filed PCT application, the perfection of the transfer of rights contingent upon the event of entry into the national phase in Malawi.

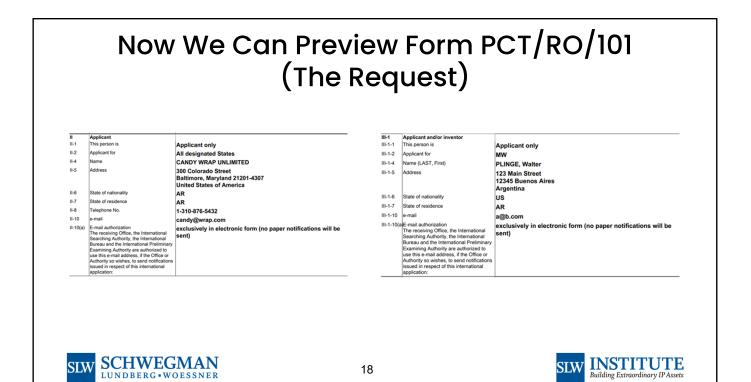


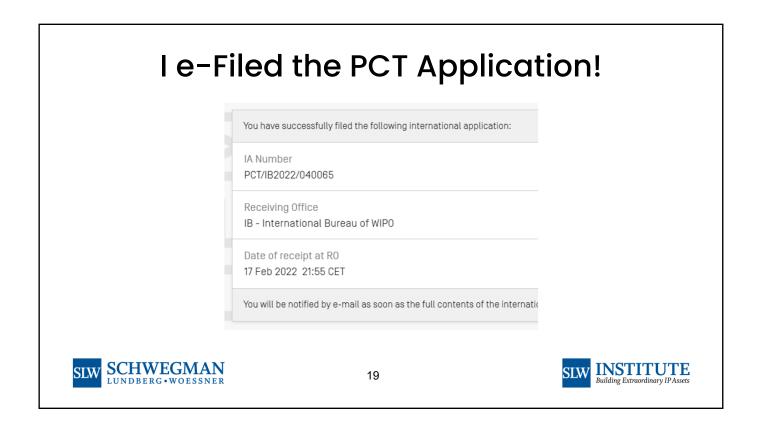
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	Will require correction but do	es not prevent filing: At least one inventor or applicant-inventor must exist.	
	Add Applicant[s]/Inventor[s]	Agent/Common representative/Address for correspondence Power of Attorney	
•	Name CANDY WRAP UNLIMITED	Party Applicant	0
an Argentin	• •	mailing address in the US and is gentine citizen. Note that ePCT puts this een.	
But we cont	rol the applicant	list. So we click "add applicant".	
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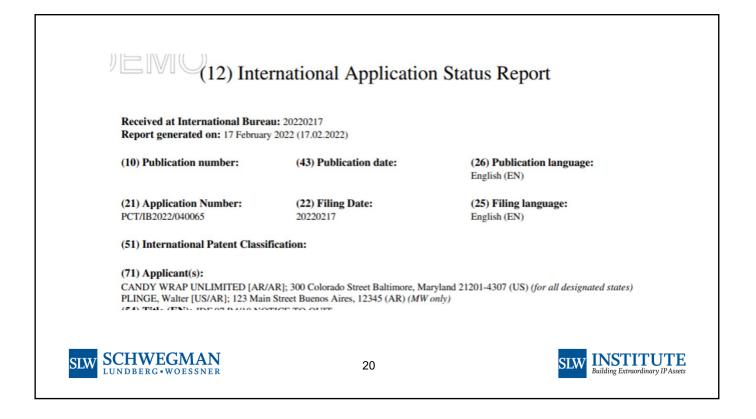
Party * Applicant Applicant and inventor Inventor only	First Name *
Type * O Legal entity Natural person Applicable designations * Specific designations	PLINGE Street address * 123 Main Street
Specific designations	No street address applicable City * Buenos Aires Country or territory * AR - Argentina
	Postal Code 12345 State of Nationality US - United States of America
SLW SCHWEGMAN	State of Residence AR - Argentina * 15 INSTITUTE Building Extraordinary IP Assets

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Add Applicant[s]/Inventor[s]	Agent/Common representative/Address for correspondence Power of Attorney	
Name CANDY WRAP UNLIMITED	Party Applicant	Ð
Name PLINGE, Walter	Party Applicant	0
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RULE 92BIS CHANGE REQUEST			
Check that any required powers of atto	orney are already on file or attach them below.		
Current date and time at recipient Office Deadline to submit draft action: Monday			
Date 17 Feb 2022			
Add a new Party CANDY WRAP UNLIMITED	Applicant	Legal entity	Ø
Name PLINGE, Walter Address 123 Main Street Buenos Aires, 12345 (AR) (Address for service) Registration No.	Role Applicant Type Natural person Succession Nat US Res AR	Applicable Designations Specific designations Telephone Fax Email Address a@b.com	1

		CT Action	: Rule 92bis change request		
	IA Number:	PCT/IB202			
	International Filing Date:	17 Februar			
	File reference:	abcdp001	y LOLL		
	Request Date:	17 Februar	ry 2022		
	Data requested to be delete	ed:			
	the applicant the inventor	the agent 🗆 th	e common representative The applicant-inventor The correspondence address		
	Type: Natural person				
	Applicable designations:				
	Regional:AP (MW)				
	National:MW				
	Name and Address:				
	PLINGE, Walter 123 Main Street				
	Buenos Aires, 12345				
	Argentina				
	Registration No				
	State of Nationality: US		State of Residence: AR		
	Telephone		Fax		
	Email a@b.com		Notification method E-mail only		
	The following documents we	ere submitted	as attachments: None		
	Signature:	/walter plin	nael		
	Signatory:		Walter (Applicant)		
	Date:		ry 2022 22:05:59 CET		
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