

Electronic Terminal Disclaimer

Quick Start Guide

March 2024



Quick Start Guide

e-Terminal Disclaimer

UNITED STATES
PATENT AND TRADEMARK OFFICE





Table of Contents

1. Introduction	3
2. Basic Guidelines for Filing eTerminal Disclaimers	3
3. eTerminal Disclaimer Filing Requirements	4
4. Filing an eTerminal Disclaimer	5
<i>Application Process</i>	<i>5</i>
<i>Application Data</i>	<i>8</i>
<i>Save for Later Submission</i>	<i>12</i>
<i>Calculate Fees</i>	<i>13</i>
<i>Review & Submit</i>	<i>13</i>
<i>Pay Fees</i>	<i>14</i>
<i>Receipt</i>	<i>14</i>

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 Patent Center 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:
<https://www.uspto.gov/patents/apply/applying-online/eterminal-disclaimer>

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 Patent Center can be found at the Patent Center Guidance and Resources page located at:
<https://www.uspto.gov/patents/apply/patent-center>

The electronic Terminal Disclaimer (eTD) can only be used if:

- 1) the inventor(s) named as the applicant in the application own(s) 100% of the entire right, title and interest;
- 2) the assignee and/or obligated assignee named as the applicant in the application owns 100% of the entire right, title and interest; or
- 3) some combination of inventor(s) and partial assignee(s) named as the applicant in the application together own 100% of the entire right, title and interest.

2. Basic Guidelines for Filing Terminal Disclaimers:

- Must be a registered eFiler.
- Must be able to access Patent Center as a registered user.
- 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 complete

- 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.

3. 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 not file eTerminal Disclaimers.
- No documents need to be attached for this submission.

Warning: For your protection, your Patent Center sessions will time-out after 30 minutes 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 Patent Center again and re-enter the eTerminal Disclaimer from the start.

4. Filing an eTerminal Disclaimer:

Application Process

To submit an eTerminal Disclaimer, navigate to either the “**Existing submissions**” dropdown or select “**Existing submissions**” card under Activities.

The screenshot displays the Patent Center web application interface. At the top, a navigation bar includes 'Home', 'New submission', 'Existing submissions', 'Petitions', 'Post grant', 'Workbench', 'Manage', and 'Search'. The 'Existing submissions' dropdown menu is open, listing options such as 'Upload Documents / Pay Fees', 'Prior Art Submission into a Patent File under 37 CFR 1.501', 'File third-party preissuance submission', 'Pre-Grant Publication under 37 CFR 1.215, 1.217, and 1.221', 'Upload corrected ADS', 'Web 85b-Issue fee transmittal', and 'eTerminal Disclaimer', which is highlighted with a red box. Below the navigation bar, there is a search section for patent applications and an 'Activities' section. The 'Activities' section contains four cards: 'New submission', 'Existing submissions' (highlighted with a red box), 'Petitions', and 'Post grant'. The 'Existing submissions' card includes the text: 'Add additional documents, pay fees, submit a corrected ADS, and much more'. At the bottom of the page, a note provides information about the Paperwork Reduction Act.

Note: Please review the application number and confirmation number entered carefully before continuing. If you are Support staff also make sure the appropriate attorney is selected.

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

eTerminal Disclaimer

Application #
99999999 or 99/999,999

Confirmation #

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 has been given power of attorney in this application.

[Back to home page](#) [Continue](#)

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.

eTerminal Disclaimer



The application number and/or the confirmation number is incorrect, please check your input and try again. If you continue to have trouble, please contact the EBC (866-217-9197) for assistance.

Application #

99999999 or 99/999,999

59000000

Confirmation #

12345



Confirmation number must be 4 digits

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 has been given power of attorney in this application.

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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.

eTerminal Disclaimer

Nonprovisional Application under 35 USC 111(a)

Test : Test

Application type	Filed by	First named inventor	Customer # / Address
Nonprovisional Application under 35 USC 111(a)		John DOE	59 - Patent Center Update CN using PDP 601 Dulany Mail Stop 0000 Alexandria, VIRGINIA 22304 US

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

Electronic Request

NOTE: 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.

After selecting “Add Owners, you may enter up to 240 characters in the Owner text box. In the Ownership Percentage field, enter the percentage number and then click the **Add owner or add another owner** button. If you do not click the button the entry will not be stored.

Owners

NOTE: At least one owner should be added.

Enter owner(s) of the instant application below. 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%

of owners: 0 (max. 50) [Add owner](#)

i No owners listed. Click 'Add owner' button to list owners.

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.

Add Owner

Owner percentage

test 100

Remove

Owner percentage

Remove

+ Add another owner

Cancel Add

Terminal disclaimer requests

NOTE: A minimum of one application or patent number must be entered.

Terminal disclaimer requests

NOTE: A minimum of one application or patent number must be entered.

Reference applications

of applications: 0 [Add application](#)

Prior patents

of patents: 0 [Add patent](#)

i No applications listed. Click 'Add application' button to list application references.

i No patent listed. Click 'Add patent' button to list prior patent references.

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.

The screenshot shows a software interface with a modal dialog box titled "Add reference application numbers". The dialog has a close button (X) in the top right corner. It contains two input fields: "Reference application number" and "Filing date". The "Filing date" field has a calendar icon to its right. Below the "Reference application number" field, there is a placeholder text: "99999999 ; 99/999999 or 99/999,999". At the bottom of the dialog, there are three buttons: "Cancel" on the left, "+ Add another reference application" in the center, and "Add" on the right. The background interface is dimmed and shows sections for "Owners", "Terminal disclaimer requests", "Reference applications", and "Prior patents".

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.

The screenshot shows a software interface with a modal dialog box titled "Add prior patent number". The dialog has a close button (X) in the top right corner. It contains a single input field labeled "Prior patent number". Below the input field, there is a text block: "Patent numbers can be up to 13 characters, with the first two being alpha numeric. EXAMPLE: 99,999,999; 99999999 or D999999". At the bottom of the dialog, there are three buttons: "Cancel" on the left, "+ Add another prior patent" in the center, and "Add" on the right. The background interface is dimmed and shows sections for "Owners", "Terminal disclaimer requests", "Reference applications", and "Prior patents".

Terminal disclaimer fee

You must indicate if the fees have been previously filed or will be 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.

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.

Applicant claims the following entity status

Regular undiscounted

At the bottom of the screen, you will need to complete user information and provide an S-signature.

Certification

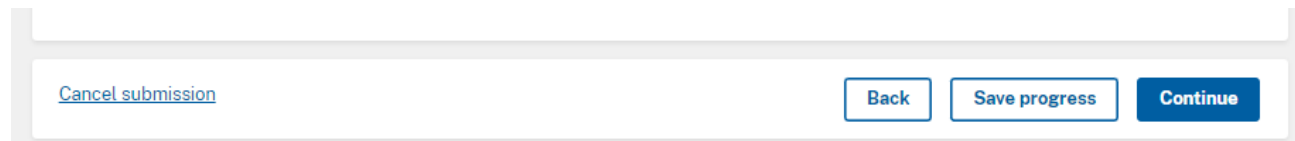
I certify, in accordance with 37 CFR 1.4(d)(4) that I am:
An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Signature	First name	Last name	Registration number (optional)
<input type="text"/> /John Marina, VI/	<input type="text"/>	<input type="text"/>	<input type="text"/>

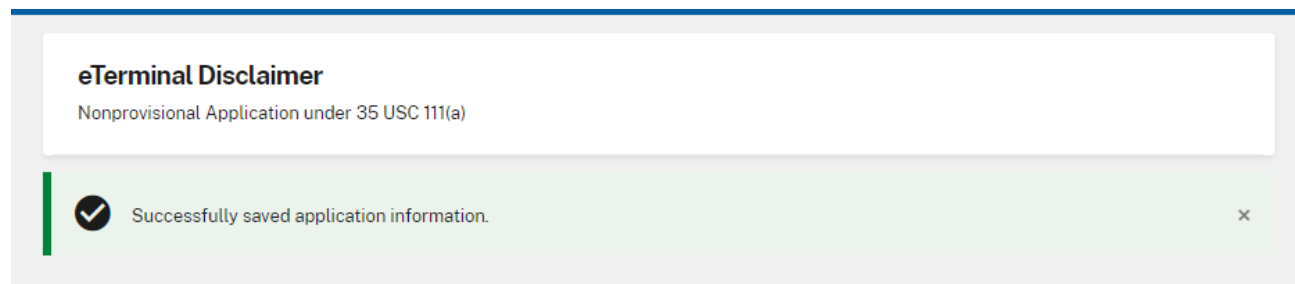
[Cancel submission](#)

Save for Later Submission

When preparing an eTerminal Disclaimer the applicant has the option of saving their progress for submission for later. At the bottom of each screen the option to click on “**Save progress**” is available.



If the applicant clicks on “**Save progress**” the submission will be saved. 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. The applicant can continue to save their progress by selecting “**Save progress**”



In order to retrieve your saved submission, you must log in as a registered eFiler. On the Patent Center dashboard, you must select “**Workbench**”, and then select “**View saved submissions.**”

Review & Submit

Review & submit

Review all the information entered for your application. If there are any errors in the data displayed, go back and edit the information before submitting to the USPTO.

Electronic Request *

- 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.

Owners

of owners: 1(max. 50)

Owner	Percentage
testinc	100 %
Total	100 %

Reference applications

of applications: 1

Application #	Filing date


Prior patents

of patents: 0

i No patent listed.

Total documents : 1

[Download all documents](#)

 petition-request.pdf (44 KB / 3 pages)	Terminal Disclaimer-Filed (Electronic)	Preview
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Terminal Disclaimer Fee

The Owners 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 numbers

Terminal disclaimer fee under 37 CFR 1.20(d) included with Electronic Terminal Disclaimer request.

Entity type

Regular undiscounted

Payment Details

Fee code	Fee description	Item price (\$)	Quantity	Item total (\$)
1814	STATUTORY DISCLAIMER, INCLUDING TERMINAL DISCLAIMER	\$170.00	1	\$170.00
Total fees selected to pay				\$170.00

[Cancel submission](#)

[Back](#)

[Save progress](#)

[Submit & Pay](#)

Review & Submit

Patent Center 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 petition-request.pdf document is generated by Patent Center to show the information that you have entered. You can review this document by clicking "Preview". This document will be loaded into the electronic application file (i.e., IFW), if your eTerminal Disclaimer is approved. Also, the required fee is automatically displayed. Above is an example of the Terminal Disclaimer fee for small entity.

To make any changes, select the back option at the bottom of the screen. Once you have confirmed your selections, click the **Submit & Pay** button to file your eTerminal Disclaimer. If Terminal Disclaimer fee is accompanying a fee, the Patent Center payment screen will display. Your fee payment must be successfully processed in order for you to receive the eTerminal Disclaimer Approval Letter.

Pay Fees

When paying fees, you have the option of paying by Charge USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer via Financial manager. If you cancel your submission at any time your eTerminal disclaimer will not be approved.

Receipt

Once you have provided all of the necessary payment information, you will receive your Acknowledgement Receipt, Grant letter and payment receipt on the screen. You also have several actions you may take like printing or saving the receipt.

If you have any questions or concerns regarding filing in Patent Center, 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.