

Intellectual Property Terminology
of the
U.S. Patent and Trademark Office

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United States Patent and Trademark Office - An Agency of the Department of Commerce

A-Z definitions of intellectual property terminology

A

AAU

amendment to allege use

ABA

American Bankers Association number - often referred to as the "transit routing number", is the nine (9) digit electronic address of a financial institution. The ABA number is encoded in the MICR (Magnetic Ink Character Recognition) line of all checks, and is assigned to each financial institution and each branch office of that financial institution.

abandonment (patents)

A patent application becomes abandoned for failure to file a complete and proper reply as the condition of the application may require within the time period provided under 37 CFR § 1.134 and § 1.136 unless an Office action indicates otherwise.

Abandonment may be either of the invention or of an application. An abandoned application, in accordance with 37 CFR §§ 1.135 and 1.138, is one which is removed from the Office docket of pending applications.

-- see MPEP 711 for more

-- see express abandonment

abandonment (trademarks)

A trademark application that has been declared abandoned is "dead" and no longer pending. Abandonment occurs under several circumstances. The most common reason is when the USPTO does not receive a response to an Office Action letter from an applicant within 6 months from the date the Office action letter was mailed. Another instance is when the USPTO does not receive a Statement of Use (or request for an extension of time to file a statement of use) from an applicant within 6 months from the issuance of a Notice of Allowance. Applications abandoned for failure to respond to an Office Action or a Notice of Allowance can be revived or reinstated in certain circumstances. For more information, see Petition to Revive and Request for Reinstatement.

ABC

activity based cost accounting - an accrual-based accounting method for determining unit-based costs of delivering services by allocating the costs to budgetary resources; it measures the performance and costs related to a specific activity or function.

ABM

activity based management - a management methodology that combines ABC with business process analysis techniques to run, improve and measure performance for a business or organization.

ABSS

Automated Biotechnology Sequence Search

See PSIPS to access sequence searching online

abstract of the disclosure

A concise statement of the technical disclosure including that which is new in the art to which the invention pertains

-- see MPEP 608.01(b) for more

Acceptable Identification of Goods and Services Manual

This manual lists numerous examples of identifications of goods and services that are acceptable to the USPTO for inclusion in trademark applications and registrations. The manual is not exhaustive and is meant as a guide to aid applicants and their attorneys in formulating acceptable identifications of goods and/or services.

Use Acceptable Identification of Goods and Services Manual online

ACH

Automated Clearing House - a nationwide batch-oriented electronic funds transfer system governed by the NACHA (National Automated Clearing House Association)

Administrative Instructions

set out the provisions and requirements in relation to the filing and processing of the international (patent) application under the PCT and are established by the Director General of WIPO

ADS

Application Data Sheet

agent (patent)

(may be referred to as a practitioner or representative) - one who is not an attorney but is authorized to act for or in place of the applicant(s) before the Office, that is, an individual who is registered to practice before the Office.

-- See 37 CFR § 10.6 and the searchable online Patent Attorney Agent Roster

AIA

America Invents Act

AIPA

American Inventors Protection Act of 1999

AIPLA

American Intellectual Property Law Association

AIS

automated information system

ALC #

Agency Location Code - an eight (8) digit code assigned to U.S. government agencies by the Department of Treasury.

allegation of use

a sworn statement signed by the applicant or a person authorized to sign on behalf of the applicant attesting to use of the mark in commerce. The allegation of use must include one specimen showing use of the mark in commerce for each class of goods/services included in the application, and the required fee. If filed before the examining attorney approves the mark for publication, the allegation of use is also called an "Amendment to Allege Use". If filed after issuance of the Notice of Allowance, the allegation of use is also called a Statement of Use. The Amendment to Allege Use and the Statement of Use include the same information, and differ only as to the time when filed. The applicant may not file either an Amendment to Allege Use or a Statement of Use between the date the examining attorney approves the mark for publication and the date of issuance of the notice of allowance.

amendment to allege use (AAU)

a sworn statement signed by the applicant or a person authorized to sign on behalf of the applicant attesting to use of the mark in commerce. With the AAU, the owner must submit one specimen showing use of the mark in commerce for each class of goods/services included in the application, and the required fee.

AAUs must be filed before the date the examining attorney approves the mark for publication in the Official Gazette.

You should check the status of the application before filing the AAU to make sure that is timely. An AAU filed after the mark is approved for publication but before a notice of allowance has been issued (during the "blackout period") is untimely and cannot be accepted.

-- see file an AAU online 

Annex F

written specifications of the application-body document type definition (EFS' filename is application-body.dtd) agreed to by the USPTO, WIPO, EPO, and JPO

-- see MPEP Appendix AI for instructions on how to locate Annex F on the WIPO website

APMS

automated project management system

appeal (patent)

-- see BPAI for info on patent appeals

appeal (trademark)

An applicant who wants to contest a final refusal from an examining attorney may file an appeal to the Trademark Trial and Appeal Board. An appeal is taken by filing a Notice of Appeal and paying the appeal fee within six months of the mailing date of the action from which the appeal is taken. 15 U.S.C. Section 1070; 37 C.F.R. Section 2.142(a).

-- see Trademark Trial and Appeal Board Manual of Procedure (TBMP) Section 1202.03.

applicant

inventor or joint inventors who are applying for a patent on their own invention, or the person mentioned in 37 CFR 1.42, 1.43 or 1.47 who is applying for a patent in place of the inventor.

-- see 37 CFR 1.41 and MPEP 605

application (patent)


an application for patent filed under 35 U.S.C. 111(a) that includes all types of patent applications (i.e., utility, design, plant, and reissue) except provisional applications. The nonprovisional application establishes the filing date and initiates the examination process. A nonprovisional utility patent

application must include a specification, including a claim or claims; drawings, when necessary; an oath or declaration; and the prescribed filing fee.

-- see [How to Get a Patent](#) for guides for each type of patent application

application (trademark)

a document by which a person requests a federal trademark registration. To receive a filing date, an application must include (1) the applicant's name, (2) a name and address for correspondence, (3) a clear drawing of the mark sought to be registered, (4) a list of the goods or services, and (5) the application filing fee.

-- see [File a Trademark Application](#) 

application (trademark)

the document a person or business uses to request a federal registration from the USPTO for their mark.

-- for information on the legal requirements for an application to receive a filing date, see [application filing date \(trademark\)](#).

-- for information on the requirements for filing a complete application, see [complete trademark/service mark application](#). To file an application, see our [initial application forms](#).

application filing date (trademark)

the date the USPTO receives an application in English that includes all the following:

- (1) The applicant's name
- (2) A name and address for correspondence
- (3) A clear drawing of the mark to be registered
- (4) A list of the goods or services
- (5) An application filing fee for at least one class of goods or services.

Other requirements for filing an application are addressed in [examination if missing or incomplete](#). The application filing date also serves as the date of constructive use of the mark, provided the mark registers. This constructive use date gives a registration owner nationwide priority over others who may use the same or a confusingly similar mark for similar or related goods/services, except parties who (1) used their mark before the applicant's filing date, (2) filed with the USPTO before the applicant, or (3) are entitled to an earlier application filing date based on the filing of a foreign application.

-- for more information, see 37 C.F.R. §§2.21(a), 2.32(a) and TMEP §201.02.

-- for information on a complete application for a trademark/service mark, see [complete trademark/service mark application \(trademark\)](#); for a certification mark, see TMEP §1306.02; and for a collective mark, see TMEP §§1303.01, 1304.02.

application number (patent)

the unique number assigned to a patent application when it is filed. The application number includes a two digit series code and a six digit serial number

arbitrary marks

comprise words that are in common linguistic use but, when used to identify particular goods or services, do not suggest or describe a significant ingredient, quality or characteristic of the goods or services (e.g., APPLE for computers; OLD CROW for whiskey).

ASEAN

Association of South East Asian Nations

assignee

the entity that is the recipient of a transfer of a patent application, patent, trademark application or trademark registration from its owner of record (assignor)

assignment (patents)

a transfer of ownership of a patent application or patent from one entity to another. Record all assignments with the USPTO Assignment Services Division to maintain clear title to pending patent applications and patents.

-- read more about Patent Assignments

-- see Assign a Patent Application or Patent [e](#)

-- see Search Patent Assignments online [e](#)

assignment (trademarks)

a transfer of ownership of a trademark application or trademark registration from one entity to another. The USPTO recommends recording assignments with the USPTO Assignment Services Division to maintain clear title to pending trademark applications and registrations. For information on how to record an assignment, see Recordation Form Cover Sheet.

-- see Assign a Trademark Application or Registration [e](#)

-- see Search Trademark Assignments online [e](#)

assignor

the owner of record of a patent application, patent, trademark application or trademark registration who is transferring (assigning) ownership to another entity (assignee)

ATO

authority to operate

attorney

(may be referred to as a practitioner or representative) - an individual who is a member in good standing of the bar of any United States court or the highest court of any State and who is registered to practice before the Office.

-- see 37 CFR § 10.1(c); § 11.6(a); and § 10.14(a) and the searchable online Patent Attorney Agent Roster
authorized attorney/practitioner

(trademarks)

- an individual who is in good standing of the bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories; and
- Canadian agents/attorneys who represent applicants located in Canada and are registered with the USPTO and in good standing as patent agents or have been granted reciprocal recognition by the USPTO.

B

benefit claim

the claiming by an applicant in a nonprovisional application of a benefit of an invention disclosed in a prior-filed copending (under examination at the same time) provisional or nonprovisional application, or international application designating the U.S. for the purposes of securing an earlier-effective filing date for the nonprovisional application.

-- see 35 USC § 119(e), 120, 121 and 365(c) for more

BIA

business impact analysis

bio-sequence listings

a document that must be included only if a nucleotide or amino acid sequence is part of the invention. With EFS, paper documents are not required for bio-sequence or subsequent bio-sequence submissions.

blackout period

the period between the date the examining attorney approves the mark for publication and the date of issuance of the Notice of Allowance. The applicant may not file an Allegation of Use during this period.

Boolean

Boolean logic (named for the British-born Irish mathematician George Boole) is way to express relationships in logic arguments using the following three operators: "and", "or", "not".

The patent search systems use "AND", "OR", and "ANDNOT" as Boolean operators, in combination with parentheses to build nested logical subsets - example: needle ANDNOT ((record AND player) OR sewing), which would return anything with the word "needle" in a document as long as it does not also contain the word "record" and "player" in the same document or the word "sewing" in the same document. . It also uses some symbols such as "->" to indicate a range, where you enter the field code and start date, ->, and then the end date - example: ISD/1/1/1995->2/14/1995.

-- see help for patent searches for more on how to use Boolean operators in a patent search

BPAI

Board of Patent Appeals and Interferences

BPAIIS

Board of Patent Appeals and Interferences Information System

BRM

business reference model - an organized, hierarchical way to describe the day-to-day business operations of the Federal government; this model presents the business using a functionally driven approach regardless of organizational structure.

-- see Federal Enterprise Architecture (link is external) for more

Back to top

C

C&A

certification and accreditation

canceled

trademark registration is no longer active. It may be due to the registrant's failure to file the required continued use affidavit under Section 8 of the Trademark Act, to a cancellation proceeding at the Trademark Trial and Appeal Board or to the outcome of a civil court action.

canceled claim

A claim that is canceled or deleted. "Canceled" is the status identifier that should be used when a claim is canceled in an application

cancellation proceeding

a proceeding before the Trademark Trial and Appeal Board in which the plaintiff seeks to cancel an existing registration of a mark. The proceeding may only be filed after issuance of a registration. A petition for cancellation may be filed by any person who believes that he or she is or will be damaged by the registration of the mark.

CD

a type of form designation such as Form CD435, meaning a Commerce Department form

CD

a compact disc (electronic data storage media)

CEAR

Certificate of Excellence in Accountability Reporting

certificate of mailing

a certificate for each piece of correspondence mailed, prior to the expiration of the set period of time for response, stating the date of deposit with the U.S. Postal Service and including a signature

certificate of registration

official document from the USPTO evidencing that a mark has been registered.

certification mark

any word, name, symbol, device, or any combination, used, or intended to be used, in commerce by someone other than its owner, to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services, or that the work or labor on the goods or services was performed by members of a union or other organization.

-- see File Certification Mark 

CFC

Combined Federal Campaign

an annual government-wide campaign for charitable contributions from Federal employees

CFO/CAO

Chief Financial Officer/Chief Administrative Officer

CFR

Code of Federal Regulations

CFS

core financial system

change of name

Sometimes, owners of trademark applications and registrations change their names, even though the actual ownership of the application or registration has not been transferred. When this occurs, trademark owners should record the name change with the USPTO Assignment Branch to maintain a clear record of ownership. Name changes are recorded in the same manner as assignments. For information on how to record an assignment, -- see Recordation Form Cover Sheet.

Chapter I

the first, mandatory phase under the Patent Cooperation Treaty that includes performance of an international-type search, issuance of an International Search Report, and publication of the application and Search Report by the International Bureau of WIPO

Chapter II

the second, optional phase under the Patent Cooperation Treaty that includes examination of the international application and issuance of an International Preliminary Examination Report.

CIO

Chief Information Officer

CIP

Continuation-in-Part

an application filed during the lifetime of an earlier nonprovisional application, repeating some substantial portion or all of the earlier nonprovisional application and adding matter not disclosed in the earlier nonprovisional application

-- see MPEP 201.08 for more

CIS

customer information system

claims

define the invention and are what aspects are legally enforceable. The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. The claim or claims must conform to the invention as set forth in the

remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable (clearly understood) by reference to the description. (See 37 CFR § 1.58(a)).

-- see MPEP 608.01(i) for more

classification

patents are classified (organized) in the U.S. by a system using a 3 digit class and a 3 digit subclass to describe every similar grouping of patent art. A single invention may be described by multiple classification codes.

-- see Manual of Patent Classification

classification of goods and services

Goods and services are classified by an international system, according to international treaties to which the United States is a signatory. All goods and services included in trademark applications are classified by the Office according to this system.

-- see TMEP 1401 for more information on the classification of goods and services

-- see the Trademark Acceptable Identification of Goods and Services Manual for a listing of the classes

coinventor

an inventor who is named with at least one other inventor in a patent application, wherein each inventor contributes to the conception (creation) of the invention set forth in at least one claim in a patent application.

-- see MPEP 2137.01, also joint application, joint inventor.

collective mark

a trademark or service mark used, or intended to be used, in commerce, by the members of a cooperative, an association, or other collective group or organization, including a mark that indicates membership in a union, an association, or other organization.

-- see File a Collective Mark 

combination patent

a patent granted for an invention that unites existing components in a novel way

common inventor

an inventor whose name is listed on multiple patent applications or granted patents, making the inventions at least partially the work of the same person.

common law rights

property or other legal rights that do not absolutely require formal registration in order to enforce them. Proving such rights for a trademark in court can be very difficult, requires meticulous documentation, and places a heavy burden on the individual. Active Federal registration of trademark can provide a higher degree of legal protection and readily-demonstrated evidence of ownership of a mark.

complete trademark application (trademark)

a complete application is required for registration, but not for receiving an application filing date. A trademark application is complete when it includes all the following:

- (1) A request for registration
- (2) The applicant's name
- (3) The applicant's address
- (4) The applicant's citizenship or state or country of organization or incorporation, and if a U.S. partnership or joint venture, the names and citizenship of general partners or active members of the joint venture
- (5) One or more filing bases
- (6) A list of the goods or services
- (7) The international class of goods or services, if known
- (8) A description of the mark, if the mark is not in standard characters
- (9) An English translation of any non-English wording
- (10) A transliteration (the phonetic spelling of the pronunciation, in corresponding Latin characters) of all non-Latin characters and either an English translation of the transliterated term or a statement that the transliterated term has no meaning in English
- (11) A verified statement
- (12) A drawing
- (13) The application filing fee for each class of goods or services
- (14) The multiple-class requirements, if applicable.

-- for more information, see 37 C.F.R. §2.32 and TMEP ch. 800.

-- for information on a complete certification mark application, see TMEP §1306.02.

-- for information on a complete collective mark application, see TMEP §§1303.01, 1304.02.

composed of

(used when defining the scope of a claim)

A transitional phrase that is interpreted in the same manner as either "consisting of" or "consisting essentially of," depending on the facts of the particular case (context)

-- see MPEP 2111.03 for more

comprising

(used when defining the scope of a claim)

A transitional phrase that is synonymous with (means the same thing as) "including," "containing" or "characterized by;" is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. Comprising is a term of art used in claim language which means that the named elements are essential in describing the invention.

-- see MPEP 2111.03 for more

concept

an idea or design

concept

an idea or design

confirmation number

a four-digit number that is assigned to each newly filed patent application. The confirmation number, in combination with the application number, is used to verify the accuracy of the application number placed on correspondence filed with the Office to avoid misidentification of an application due to a transposition error (misplaced digits) in the application number. The Office recommends that applicants include the application's confirmation number (in addition to the application number) on all correspondence submitted to the Office concerning the application.

-- see MPEP 503 for more

conflicting marks

-- see likelihood of confusion

CONFU

Conference on Fair Use

-- see National Information Infrastructure Report on Intellectual Property Rights for more

consisting essentially of

A transitional phrase that limits the scope of a claim to the specified materials or steps and those that do not materially affect the basic and novel characteristics of the claimed invention.

For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent (without) a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed (understood) as equivalent to "comprising."

-- see MPEP 2111.03 for more

consisting of

a transitional phrase that is dosed (only includes exactly what is stated) and excludes any element, step, or ingredient not specified in the claim.

-- see MPEP 2111.03 for more

continuation

a second application for the same invention claimed in a prior nonprovisional application and filed before the first application becomes abandoned or patented

-- see MPEP 201.07 for more

continued use

-- see Section 8 Declaration of Continued Use

continuing application

a continuation, divisional, or continuation-in-part patent application

contracting party

A country or intergovernmental organization that is a member of the Madrid Protocol.

Contracting State

a national Office or an intergovernmental organization which is party to the Patent Cooperation Treaty.

Control No.

unique number assigned to a patent reexamination request when it is filed, having a 2-digit series code (90 for ex parte reexamination requests; 95 for inter partes reexamination requests), and a 6-digit control number.

copyrights

protect works of authorship, such as writings, music, and works of art that have been tangibly expressed. The Library of Congress ([link is external](#)) registers copyrights which last for the life of the author plus 70 years.

-- see Copyrights for more

As a work of the United States Government, this glossary falls under the provisions of 17 U.S.C. § 403, which requires that works including all or part of this material in a copyrighted work contain a statement

in their copyright that clearly identifies what portions of the work consist of a work of the U.S. Government. Failure to do so could result in loss of copyright protection for the entire work.

-- see Editorial Standards for more

COTS

commercial off-the-shelf

an acquisition term referring to commercially available ready to use products that require no customization in order to meet performance requirements.

counterpart

an application filed in a foreign patent office that is substantially similar to (like) the patent application filed with the USPTO and is based upon some or all of the same invention. The two applications would generally have the same applicant.

-- see 37 CFR 1.97 for more

CPA

Continued Prosecution Application

a continuation or divisional application filed in a design application under 37 CFR 1.53(d)* -- see MPEP 201.06(d) for more

* NOTE: CPAs may no longer be filed in utility and plant patent applications, effective 14 July 2003.

-- see 1271 OG 43, 24 June 2003.

CPIC

capital planning and investment control

Envisioned in the Clinger-Cohen Act of 1996, OMB Circular A-130 (Management of Federal Information Resources) and other related guidance, this is a management process for ongoing identification, selection, control, and evaluation of investments in information resources. The process links budget formulation and execution, and is focused on agency missions and achieving specific program outcomes.

CRF

Computer Readable Format

CRU

Central Reexamination Unit

CSR

Customer Service Representative

CSS

Cascading Style Sheet - a technology used for webpages to format fonts and control layouts on the computer display.

current filing basis

In applications under §§1 and 44 of the Trademark Act, the applicant may claim more than one basis, and may add or substitute a basis after filing the application. The "current filing basis" means the basis, as amended (changed after the initial or original filing). If the basis has not been amended, the current filing basis is the same as the original filing basis.

-- see filing basis

customer number

(previously referred to as "payor number") - a number assigned by the Office that is used to simplify the submission of an address change, to appoint a practitioner, or to designate the fee address for a patent. Customer numbers are primarily used by attorneys and law firms, and must be requested using the "Request for Customer Number" form (PTO/SB/125).

-- see 37 CFR § 1.33(a), 1.76 and MPEP 403 for more

D

dead

a dead or abandoned status for a trademark application means that specific application is no longer under prosecution within the USPTO, and would not be used as a bar against your filing. It does not necessarily mean that there are not other marks that the trademark examining attorney would cite. It is also possible to revive an abandoned application (for example, if the USPTO declared the application abandoned for failure of the applicant to respond to an Office action, but the applicant later proved that a response was sent and the USPTO simply failed to match it with the file in a timely manner, then the case could be revived). Also, regardless of the status of an application within the USPTO, the owner may still claim common law rights, i.e, the mark may still be in use in commerce.

deceased inventor

a named inventor who has died prior to the filing of a patent application or during the prosecution of a patent application.

-- see 37 CFR 1.42 and MPEP 409

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