

New Glossary Pilot Program to Launch in June

On March 26, 2014, the United States announced the launch of its new Glossary Pilot Program, which is designed to enhance claim clarity in the specification of software-related patent applications. This program allows the applicant to receive expedited processing of software related applications in exchange for the submission of a glossary in the detailed description portion of the specification, providing a definition of each important term used in the application. The program is scheduled to start on June 2, 2014 and run for six months or until 200 grantable petitions have been filed.

Any applicant who wishes to participate in the Glossary Pilot Program must provide, upon the filing date of an eligible patent application: (1) A petition to make special using Form PTO/SB/436 (entitled "Certification and Petition to Make Special under the Glossary Pilot Program"); and (2) a formal glossary section as part of the patent application specification. No government fee is required.

The applicant must meet the following conditions:

- (1) The application must be classified in one of the U.S. patent classifications (USPCs) examined by USPTO Technology Centers 2100, 2400, or 2600 or the Business Methods area of Technology Center 3600 when the petition decision is rendered.
- (2) The application cannot be a reissue application, a plant application, a design application, a national stage of a PCT application, or a PCT application.
- (3) The application cannot claim domestic benefit from any prior US non-provisional application, except for CIP applications filed for the purpose of adding a glossary pursuant to this program.
- (4) Upon filing, the application must contain a specification in the English language including a glossary pursuant to this program.
- (5) Upon filing, all benefit and priority claims must be included in an application data sheet.
- (6) If there is any foreign priority claim, a copy of the foreign priority document must be submitted on the day the application is filed.
- (7) If any foreign priority document is provided that is not in English, a translation into English must be submitted on the day the application is filed.
- (8) The application must have no more than four independent claims, no more than thirty total claims, and no multiple dependent claims.
- (9) The application must be filed via the EFS-Web.

The program makes the following requirements for the glossary:

- (1) The glossary must be placed at the beginning of the detailed description portion of the original specification, identified with a heading, and presented upon filing the application.
- (2) The glossary definitions cannot rely upon other parts of the specification for completeness, or upon incorporation by reference to any other sources.
- (3) A glossary definition establishes limits for a term by presenting a positive statement of what the term means. A glossary definition cannot consist solely of a statement of what the term does not mean, and it cannot be open-ended.
- (4) Definitions provided in the glossary cannot be disavowed elsewhere in the application.
- (5) A glossary definition may include the use of examples, synonyms, and exclusions. However, the glossary definition cannot consist solely of a list of examples, synonyms, and/or exclusions.
- (6) The glossary should include definitions that will assist in clarifying the claimed invention and creating a clear application file wrapper record.

Any applicant that is interested in this program should consider the benefits and risks of including such a glossary, and consider this pilot an opportunity against other available options for expediting examination at the USPTO. For more information about the Glossary pilot Program, please visit www.uspto.gov/patents/init_events/glossary_initiative.jsp.

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The Webb Law Firm has been helping innovators safeguard their discoveries, advance their technologies and achieve historic milestones since 1845. The Firm's patent attorneys hold dual degrees in law and sciences and combine their legal expertise with an in-depth personal understanding of business and industry. The Webb Law Firm is located in One Gateway Center in downtown Pittsburgh.