

the date of the denial. If the petition for a retroactive license is denied with respect to the invention of a pending application and no petition under § 1.181 has been filed, a final rejection of the application under 35 U.S.C. 185 will be made.

(c) The granting of a retroactive license does not excuse any violation of the export regulations contained in 22 CFR parts 121 through 130 (International Traffic in Arms Regulations of the Department of State), 15 CFR part 379 (Regulations of Office of Export Administration, International Trade Administration, Department of Commerce) and 10 CFR part 810 (Foreign Atomic Energy Programs of the Department of Energy) which may have occurred because of the failure to obtain an appropriate license prior to export.

[49 FR 13463, Apr. 4, 1984, as amended at 56 FR 1929, Jan. 18, 1991]

GENERAL

§ 5.31 Effect of modification, rescission or license.

Any consent, rescission or license under the provisions of this part does not lessen the responsibilities of the principals in respect to any Government contract or the requirements of any other Government agency.

[24 FR 10381, Dec. 22, 1959. Redesignated at 49 FR 13463, Apr. 4, 1984]

§ 5.32 Papers in English language.

All papers submitted in connection with petitions must be in the English language, or be accompanied by an English translation and a translator's certificate as to the true, faithful and exact character of the translation.

[24 FR 10381, Dec. 22, 1959. Redesignated at 49 FR 13463, Apr. 4, 1984]

§ 5.33 Correspondence.

All correspondence in connection with this part, including petitions, should be addressed to "Assistant Commissioner for Patents (Attention: Licensing and Review), Washington, D.C. 20231."

[61 FR 56448, Nov. 1, 1996]

PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT

EDITORIAL NOTE: Part 6 is placed in a separate grouping of parts pertaining to trademarks. It appears on page 270 of this volume.

PART 7—REGISTER OF GOVERNMENT INTERESTS IN PATENTS

Sec.

- 7.1 Requirements.
- 7.2 Assignments.
- 7.3 Licenses.
- 7.4 Abbreviated copy.
- 7.5 Instruments already on record.
- 7.6 Access to register.
- 7.7 Secret register.

AUTHORITY: E.O. 9424, Feb. 18, 1944, 9 FR 1959; 3 CFR 1943-1948 Comp.

SOURCE: 24 FR 10383, Dec. 22, 1959, unless otherwise noted.

§ 7.1 Requirements.

(a) Executive Order 9424 (3 CFR 1943-1948 Comp.) requires the several departments and other executive agencies of the Government, including Government-owned or Government-controlled corporations, to forward promptly to the Commissioner of Patents and Trademarks for recording all licenses, assignments, or other interests of the Government in or under patents or applications for patents.

(b) An instrument relating to a patent must identify the patent by the patent number. An instrument relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the serial number, e.g., 07/123,456) or the serial number and filing date. An instrument relating to an international patent application which designates the United States of America must identify the international applications by the international application number (e.g., PCT/US90/01234). If an assignment is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the

invention so that there can be no mistake as to the patent application intended.

(c) Each instrument submitted to the Office for recording must be accompanied by at least one cover sheet as specified in paragraph (d) of this section referring to those patent applications and patents against which the instrument is to be recorded. Only one set of instruments and cover sheets to be recorded should be filed. If an instrument to be recorded is not accompanied by a completed cover sheet, the instrument and any incomplete cover sheet will be returned for proper completion of a cover sheet and resubmission of the instrument and a completed cover sheet.

(d) Each cover sheet required by paragraph (c) of this section must contain:

- (1) The name of the party conveying the interest;
- (2) The name and address of the party receiving the interest;
- (3) A description of the interest conveyed or transaction to be recorded;
- (4) Each application number or patent number against which the instrument is to be recorded, or an indication that the instrument is filed together with a patent application;
- (5) The name and address of the party to whom correspondence concerning the request to record the instrument should be mailed;
- (6) The number of applications or patents identified in the cover sheet and the total fee;
- (7) The date the instrument was executed;
- (8) A statement by the party submitting the instrument that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original instrument; and
- (9) The signature of the party submitting the instrument.

(e) Each patent cover sheet required by paragraph (c) of this section seeking to record a governmental interest as provided by paragraph (a) of this section must:

- (1) Indicate that the instrument is to be recorded on the governmental register, and, if applicable, that the in-

strument is to be recorded on the Secret Register. See § 7.7.

(2) Indicate, if applicable, that the instrument to be recorded is not an instrument affecting title. See paragraph (j) of this section.

(f) An error in a cover sheet recorded pursuant to this Part will be corrected only if:

(1) The error is apparent when the cover sheet is compared with the recorded instrument to which it pertains, and

(2) A corrected cover sheet accompanied by the recording fee set forth in paragraph (i) of this section and either the original recorded instrument or a copy of the original recorded instrument is filed for recordation.

(g) The Office will accept and record non-English language instruments only if accompanied by a verified English translation signed by the individual making the translation.

(h) Instruments and cover sheets to be recorded should be addressed to the Commissioner of Patents and Trademarks, Box Assignment, Washington, D.C. 20231.

(i) All requests to record instruments must be accompanied by the appropriate fee. Except as provided in paragraph (j) of this section, a recording fee set forth in § 1.21(h) of this chapter fee is required for each application and patent against which the instrument is recorded as identified in the cover sheet.

(j) No fee is required for each patent application and patent against which an instrument required by Executive Order 9424 (3 CFR 1943-1948 Comp.) to be filed if:

(1) The instrument does not affect title and is so identified in the cover sheet (see paragraph (e) of this section); and

(2) The cover sheet is filed in a format approved by the Office.

[60 FR 41023, Aug. 11, 1995]

§ 7.2 Assignments.

The original of an assignment or other instrument which conveys to the Government only the title to a patent or to an application for patent shall be forwarded to the Commissioner of Patents and Trademarks. The instrument