

**SUBSTITUTE STATEMENT IN LIEU OF AN OATH OR DECLARATION FOR
PLANT PATENT APPLICATION (35 U.S.C. 115(d) AND 37 CFR 1.64)**

**Title of
Invention**

This statement is directed to:

The attached application,

OR

United States application number _____ filed on _____.

LEGAL NAME of inventor to whom this substitute statement applies:

(E.g., Given Name (first and middle (if any)) and Family Name or Surname)

Residence (except for a deceased or legally incapacitated inventor):

City

State

Country

Mailing Address (except for a deceased or legally incapacitated inventor):

City

State

Zip

Country

I have asexually reproduced the plant to which this application applies;

The plant was found in cultivated area (*check this box for newly found plant only*)

I believe the above-named inventor or joint inventor to be the original inventor or an original joint inventor of a claimed invention in the application.

The above-identified application was made or authorized to be made by me.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Relationship to the inventor to whom this substitute statement applies:

Legal Representative (for deceased or legally incapacitated inventor only),

Assignee,

Person to whom the inventor is under an obligation to assign,

Person who otherwise shows a sufficient proprietary interest in the matter (petition under 37 CFR 1.46 is required), or

Joint Inventor.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SUBSTITUTE STATEMENT

Circumstances permitting executive of this substitute statement:

- Inventor is deceased,
- Inventor is under legal incapacity,
- Inventor cannot be found or reached after diligent effort, or
- Inventor has refused to execute the oath or declaration under 37 CFR 1.63.

If there are joint inventors, please check the appropriate box below:

- An application data sheet under 37 CFR 1.76 (PTO/SB/14 or equivalent) naming the entire inventive entity has been or is currently submitted.

OR

- An application data sheet under 37 CFR 1.76 (PTO/SB/14 or equivalent) has not been submitted. Thus, a Substitute Statement Supplemental Sheet (PTO/AIA/11 or equivalent) naming the entire inventive entity and providing inventor information is attached. See 37 CFR 1.64(b).

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

Name:

Date (Optional):

Signature:

Residence (unless provided in an application data sheet, PTO/SB/14 or equivalent):

City

State

Country

Mailing Address (unless provided in an application data sheet, PTO/SB/14 or equivalent)

City

State

Zip

Country

Note: Use an additional PTO/AIA/02 form for each inventor who is deceased, legally incapacitated, cannot be found or reached after diligent effort, or has refused to execute the oath or declaration under 37 CFR 1.63.