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## Patent Depository

ATCC has been providing dependable, legally compliant storage of materials for patent purposes since 1949, long before depositing was a formal requirement of any patent office. Our patent depository currently includes more than 20,000 strains of biological materials.

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### Features

- **Compliance with legal requirements.** We will process the documentation to ensure that legal requirements are met for each deposit.
- **Dependable storage.** ATCC has been storing biological materials since 1925. We are experts in maintaining viability and integrity of cultures.
- **International patenting.** ATCC is an International Depository Authority (IDA) under the International Budapest Treaty for deposits to meet patent office requirements in many countries. All countries signatory to the Budapest Treaty must recognize the deposit of biological material with any IDA. Standard patent deposit, which meets the requirements of the USPTO, is also available.
- **Versatile storage.** ATCC accepts the following biological material for patent purposes: algae, animal viruses, bacteria, bacteriophages, cell lines, cloned genes, nonhuman embryos, filamentous fungi, hybridomas, plant tissue cultures, plant viruses, purified DNA, protozoa, genomics materials (clones, vectors, libraries, etc.), seeds, and yeasts.
- **Security and confidentiality.** Our facility is specially designed for secure long-term storage of biological materials. All deposits are strictly confidential until the patent issues.
- **Related services.** ATCC can also provide custom freezing, interim storage, and depositor notification of purchasers upon request.

### How to deposit

The first step in depositing materials for patent purposes is to contact the Patent Depository.

P.O. Box 1549  
Manassas, VA 20108  
Fax: 703-365-2745  
[E-mail](#)

Our staff will provide the forms you need to deposit patent materials:

- [Form BP/1](#) must be completed for deposits to meet the requirements of the

#### Budapest Treaty

- Form 34 must be completed for all other patent deposits. It is not necessary to complete Form 34 if you complete the Budapest Treaty BP/1 form. If both forms are completed, the BP/1 form supersedes the Form 34.
- There is an additional information form for depositing a virus.

Complete identification is required for each deposited item to ensure that ATCC is aware of all characteristics that may impact regulatory compliance in their handling, storage, and distribution. This information must be included on the patent deposit form or appended as necessary.

The following list describes how much biological material is needed for a valid deposit.

- Microorganisms such as bacteria (either containing a plasmid or not containing a plasmid), bacteriophages, fungi, algae, yeast, and protozoa: 25 frozen or freeze-dried samples (0.5 ml each).
- Mixed cultures and consortia: 25 frozen or freeze-dried samples (0.5 ml each).
- Cell lines and hybridomas: 25 frozen samples (2 - 6 million cells each).
- Multiple sequences:<sup>1</sup> 25 vials (100 ng each).
- Plasmids and vectors: (e.g., purified DNA, libraries, and associated genomics materials): 25 vials (100 ng each).
- Animal and plant viruses: 25 frozen or freeze-dried samples (1 ml each).
- Embryos:<sup>2</sup> 25 frozen samples (12 embryos constitute one sample).
- Plant tissue cultures: 25 frozen samples. Must be callus tissue. Seeds preferred.
- Seeds: 2500 seeds (100 labeled packets of 25 seeds each).

<sup>1</sup> Maximum of 10 sequences per deposit - no exceptions.

<sup>2</sup> Please contact ATCC before sending embryos.

In the case of embryos, viruses, cell cultures, purified plasmids or vectors, consortia, mixed cultures and seeds, it is the responsibility of the depositor to furnish sufficient quantity for the specified period of time. In most instances ATCC will not replicate this type of material. For seeds, the United States Patent and Trademark Office (USPTO) considers 2500 seeds to be a minimum number in a normal case, but will allow an applicant to provide justification as to why a lesser number would be suitable under certain circumstances. It is the depositor's (applicant's) responsibility to justify to the USPTO the reason for depositing less than 2500 seeds. ATCC will not accept fewer than 625 seeds (25 packets).

ATCC **does not** accept test tubes or other actively growing cultures.

#### **Fees** Inclusive Services and Pricing

Storage and informing: \$2500

#### **Methods of Payment**

You may pay for patent services in the following ways:

- Checks drawn on a U.S.A. bank
- Charge to Visa, MasterCard or American Express
- Transfer of funds to Account Number 003933990352, ABA # 052001633,

American Type Culture Collection, c/o Bank of America, N.A., Baltimore, MD.  
Federal ID #53-0196548.

- Purchase orders.

[More information about making a patent deposit.](#)

## Frequently Asked Questions (FAQs) Pre-deposit

### 1. What forms need to be completed?

You will need to complete either the [Budapest Treaty](#) or [Non-Budapest Treaty](#) deposit form. The form must be sent in the package along with the deposit. A separate deposit form must be completed for each deposit. Each strain constitutes a separate deposit. If depositing a virus, you must also complete the [Additional Information Required When Depositing a Virus for Patent Purposes](#) form.

### 2. What is the difference between Budapest and Non-Budapest?

The Budapest Treaty Deposit form is for filing internationally as well as in the U.S. The Non-Budapest Treaty Deposit form is for filing in the U.S. only (it cannot be used for filing outside of the U.S.).

### 3. How much material is required?

Patent deposit at ATCC generally requires 25 vials of frozen, freeze-dried or dried material. The preservation method is up to the depositor as long as the material arrives ready for long-term storage. The volume required per vial is dependent upon the type of material deposited.

- Microorganisms such as bacteria (either containing a plasmid or not containing a plasmid), bacteriophages, fungi, algae, yeast, and protozoa: 25 frozen or freeze-dried samples (0.5 ml each).
- Mixed cultures and consortia: 25 frozen or freeze-dried samples (0.5 ml each).
- Cell lines and hybridomas: 25 frozen samples (2 - 6 million cells each).
- Multiple sequences: 25 vials (100 ng each).
- Plasmids and vectors: (e.g., purified DNA, libraries, and associated genomics materials): 25 vials (100 ng each).
- Animal and plant viruses: 25 frozen or freeze-dried samples (1 ml each).
- Embryos: 25 frozen samples (12 embryos constitute one sample).
- Plant tissue cultures: 25 frozen samples. Must be callus tissue. Seeds preferred.
- Seeds: 2500 seeds (100 labeled packets of 25 seeds each).

### 4. What type of vials should I use when preparing patent deposit material?

The preferred vial is a plastic screw-cap vial. The preferred vial size is 1.0 ml.

### 5. How should the vials be labeled?

The label on each vial should be the same as the strain designation indicated in question 2 of the deposit form, if possible.

### 6. What is the cost?

The fee for patent deposit is currently **\$2,500.00 per deposit**. This fee includes viability testing, storage for 30

years and informing. Informing is a service in which ATCC provides a quarterly report of all requestors for a patent deposit.

**7. Is it necessary to send payment for patent deposit fees along with the deposit?**

The fee for patent deposit will be invoiced upon receipt of the patent deposit. Payment for patent deposit fees can be sent along with the deposit material, however, it is not required. If the depositor already has an ATCC account number, the depositor must indicate the account number on question 12 of the deposit form. The depositor must also provide the complete mailing address for the invoice including contact person, phone and fax numbers.

**8. What if I do not have an ATCC account?**

If you do not already have an ATCC account please complete the [new account application](#). The application can be submitted along with the deposit.

**9. What are the payment options?**

ATCC accepts payment by credit card, check, wire transfer and purchase order. If you are using a purchase order you must include the purchase order number in question 12 of the deposit form.

**10. Do I need to notify ATCC prior to sending the material?**

Once you have prepared the material you must notify ATCC prior to shipment of the deposit. This can be done by sending an e-mail to [patentdeposit@atcc.org](mailto:patentdeposit@atcc.org). Once you have notified ATCC the depositor may send the samples at their convenience.

**11. What is the shipping address?**

Please contact the ATCC patent depository at: [patentdeposit@atcc.org](mailto:patentdeposit@atcc.org) for the shipping address. Please do not send shipments to the post office box.

**12. Will a permit be required?**

If an item is being shipped to ATCC from outside of the U.S., it may be necessary for ATCC to obtain a U.S. Department of Agriculture (USDA) permit to import the material for deposit. You will need to provide detailed information including the genus, species and origin of the strain as well as the media used for its growth. You must also indicate whether the strain is known to be pathogenic to humans or animals so ATCC staff can determine if a permit is required. If a permit is required we will fax the depositor the necessary forms for completion.

**13. Are there special shipping instructions?**

ATCC accepts shipments Monday through Friday from 8:30 am until 4:00 pm ET excluding certain holidays. Optimally, frozen shipments should be sent Monday through Wednesday for next day delivery. When shipping frozen material please enclose sufficient dry ice in case of unexpected carrier delays. For specific shipping instructions about shipping biological materials and/or dry ice, including questions about packaging, please contact your carrier.

**14. How long will it take for me to receive the assigned ATCC® No.?**

An ATCC number will be assigned once the viability testing has been completed provided that the deposit is found to be viable. The certificate will be mailed once an ATCC number has been assigned.

**15. What is the deposit date for my deposit?**

The deposit date is the date the deposit is received at ATCC provided the material is viable.

**16. Can anyone request and obtain the deposit?**

Restricted patent deposits can only be obtained with the written authorization of the depositor or by official request from the pertinent patent office. Released patent deposits are

available to the public and can be obtained through the normal ATCC ordering process. You can request the deposit to be restricted by answering "No" to question 10 of the deposit form. Deposits may remain restricted until the issuance of the pertinent U.S. patent.

## Post-deposit

- 1. Why isn't my deposit listed in ATCC's online catalog?**

Patent deposits not accessioned by ATCC do not appear in ATCC's catalog. In addition, restricted patent deposits do not appear in ATCC's catalog because all information concerning them is confidential.
- 2. Why didn't I receive a product information sheet?**

Many of the patent deposits distributed by ATCC are original depositor material. As an International Depository Authority (IDA), ATCC has an obligation to distribute this material. However, in these cases ATCC has not authenticated the material. No laboratory work has been performed other than basic viability testing. Therefore, ATCC has no specific growth information and no product sheet is available. Please refer to the corresponding patent or contact the depositor for detailed deposit information.
- 3. Why isn't this material under warranty?**

ATCC does not warrant depositor material. Since ATCC has not authenticated this material it cannot support any claims made by the depositor. Please contact the depositor concerning any issues with original depositor material.
- 4. Why doesn't the label match the packing list/description of the item?**

Many of the patent deposits distributed by ATCC are original depositor material. Therefore, ATCC does not re-label the material. It is distributed "as is" with the original depositor label.
- 5. How can I locate a patent deposit cited in an issued or published patent?**

The quickest way to locate a patent deposit is by using the assigned ATCC number.
- 6. How can I locate a patent deposit if I do not have the assigned ATCC number?**

If the depositor does not have the assigned ATCC number it may be possible to locate a patent deposit by providing the following information:

  - Depositor Name and/or institution
  - Deposit Date
  - Scientific name of the deposit and strain designation
  - U.S. Patent Number

The more information the depositor can provide the better chance there is of locating the correct deposit. However, please note ATCC only has information as provided by the depositor on the original deposit form. Any variation between the original deposit form and the information the depositor provide may cause a delay in locating the deposit.
- 7. Why does it take 30 days to release a patent for distribution once the patent has been issued by the USPTO?**

USPTO rules require a patent deposit to be made available to the public upon issuance of the pertinent U.S. patent. However, since the depositor maintains ownership of patent deposit material, ATCC must verify that the material can be released for public distribution. This notification allows the depositor to inform ATCC of any pending legal issues which may warrant retaining the restriction on distribution.