Budapest Treaty Deposit Form (BP/1)

Patent Depository
10801 University Boulevard
Manassas, Virginia 20110-2209 USA
Telephone: (800) 638-6597
Facsimile: (703) 334-2932
Email: patentdeposit@atcc.org

THIS DEPOSIT FORM SHOULD BE USED TO DEPOSIT BIOLOGICAL MATERIAL OR TO CONVERT AN EXSISTING DEPOSIT TO MEET THE REQUIREMENTS OF THE BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROGRGANISMS FOR THE PURPOSES OF PATENT PROCEDURE ("BUDAPEST TREATY")

INSTRUCTIONS: FOR EACH DEPOSIT, PLEASE COMPLETE ONE DEPOSIT FORM. ALL ANSWERS MUST BE IN ENGLISH. ALL SECTIONS MUST BE COMPLETED OR N/A INSERTED FOR NON-APPLICABLE FIELDS IN ORDER TO EXPEDITE ACCEPTANCE OF A DEPOSIT. PLEASE SUBMIT THE COMPLETED DEPOSIT FORM AND ANY OTHER REQUESTED DOCUMENTATION TO THE ATCC® PATENT DEPOSITORY.

1. **Type of Deposit and Information:** Please select the appropriate type(s) of deposit and provide the requested information. (For purposes of this agreement, "microorganism" or "materials" are used interchangeably to refer to all varieties of deposits accepted under the Budapest Treaty, including the categories set forth below.):

a. ☐ Microorganism

Provide the genus, species, strain designation if applicable, and the source of material:

Is this deposit a mixture of microorganisms and cells? ☐ Yes ☐ No
If yes, please describe:

b. ☐ Mixed Cultures and Consortia

Provide the name designation and identity of each component of the mixture:

c. ☐ Cell lines and Hybridomas

Provide the description name, species and tissue of origin, geographical source of isolation, and any known associated hazards (HIV, EBV, etc.).

posit is a cell culture, is it being cultured in the presence of antibiotics? ☐ Yes ☐ No

If yes, please list the antibiotics:

If deposit is a hybridoma, what is the isotype of the antibody produced?

d. ☐ Plasmids and Vectors

Provide the description name of the host:

Provide the name of the gene, scientific name of the source organism of the gene, and the strain designation:

If material confers antibiotic resistance, list antibiotics:

e. ☐ Virus

Provide the description name, whether plant or animal, and source including geographic location.

f. ☐ Genetic material

Provide the description name of organism from which vector, clone, or library is derived, the source of the DNA insert identified by species (e.g., human, mouse) or scientific name, the name of the gene, and the identity of the host organism.

g. ☐ Seeds and Plant Tissue Cultures

Provide the description name, scientific name of the source of the deposit, and geographical source.

(i) Material genetically engineered or modified? ☐ Yes ☐ No

If yes, please provide the name of the gene, scientific name of the source organism of the gene, or specify the genetic line information such as variety, event, and trait.

2. **Deposit Designation:** Please provide the series of numbers and symbols used to identify the deposit. Note that the deposit designation must correspond to the vial labels.

3. **Budapest Treaty:**

a. Is this an original deposit under the Budapest Treaty?
☐ Yes ☐ No

b. Is this a request for a conversion of a deposit already at ATCC to meet the requirements of the Budapest Treaty?
☐ Yes ☐ No

If yes, please indicate the Patent Deposit number:

4. **Cultivation, Viability and Storage:** Please provide all details necessary for the cultivation, viability testing such as cultivation media, including any required reagents or antibiotics, including concentrations and sources, and cryoprotectant media where applicable. Please enter the word "see attachment" in the section below if you plan on sending your cultivation and viability instructions in a separate document.

5. Please indicate the storage temperature desired: ☐ Liquid nitrogen (vapor phase) ☐ -80°C ☐ +4°C

6. **Safety:**

a. Is this strain hazardous to the following?

Humans? Yes ☐ No ☐
Animals? Yes ☐ No ☐
Plants? Yes ☐ No ☐

Please provide any properties of the microorganism which are or may be dangerous:

b. Provide the Biological Safety Level (BSL):

BSL 1 ☐
BSL 2 ☐
BSL 3 ☐

(Laboratory safety is discussed in the current publication of the Biosafety in Microbiological and Biomedical Laboratories from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and National Institutes for Health.)

7. **Regulatory Compliance:**

a. Was the material derived from a human? ☐ Yes ☐ No
If yes, was an IRB-approved consent form (human subjects) obtained? ☐ Yes ☐ No

b. Was this material obtained from wildlife? ☐ Yes ☐ No

If yes, please indicate genus and species:

If yes, please indicate if deposit is wild or captive bred:

c. Is work performed at your facility with exotic viruses affecting livestock and avian species? ☐ Yes ☐ No

d. Please identify any reagents of animal origin used to cultivate this organism/cell line (serum, growth factors, trypsin, etc.) and manufacturer (catalog#, lot#), if known:

8. **Availability and Term:**

a. ATCC may furnish samples of the deposited material as permitted by or required under the Budapest Treaty or applicable law. Notwithstanding anything to the contrary, ATCC may, without restriction, furnish samples of the deposit at any time after the issuance of any relevant patent.

b. Do you wish the patent deposit to be made available to requestors that satisfy the requirements of any patent or industrial property office, not signatory to the Budapest Treaty? ☐ Yes ☐ No

If yes, indicate which countries:

Samples furnished by ATCC pursuant to the treaty may be from batches furnished by Depositor or, at ATCC's discretion, from batches cultivated (e.g., cultured or subcultured) by ATCC, using batches furnished by Depositor.

It is the responsibility of the depositor to furnish a sufficient quantity of the material for the Deposit Term. If the deposited material should become non-viable, depleted (e.g., from the furnishing of samples), or destroyed during the Deposit Term, it is the responsibility of the depositor to replace it with a new, viable deposit of the material originally deposited. The depositor is required to test for authenticity of samples of all batches of the microorganism prepared by the ATCC and to inform the ATCC of the result.

The Deposit Term, as governed by the Budapest Treaty and its regulations, is at least five years after the most recent request for the furnishing of a sample is received by ATCC and, in any case, for a period of at least thirty years, and will end as specified in paragraph 16.

9. **Notification:**

a. ATCC will notify you of the Patent Deposit number in a Certificate of Deposit after viability of the deposit has been confirmed. A certificate of deposit is sent via email or mail to the depositor and attorney of record.

b. Would you like to be informed when samples of the deposit material have been furnished by ATCC to third parties?
☐ Yes ☐ No

If yes, indicate your selection(s) of individuals that should receive the informing report

☐ Depositor
☐ Attorney of Record
☐ Both (Depositor and Attorney of Record)
☐ Other, please provide the contact information below:

Organization Name: Contact Name:

Street Address: City: State:

Zip Code: Country: Phone:

Fax: Email:

10. **Depositor Information:** Generally, the depositor will be company or institution, not an individual. Individuals should verify with their management as to who owns the deposit.

Organization ("Depositor") Inventor Name:

Contact Name: Street Address:

City: State: Zip Code: Country:

Phone: Fax: Email:

11. **Attorney Information:**

Organization ("Law Firm"): Contact Name:

Street Address: City: State:

Zip Code: Country: Phone:

Fax: Email: Reference: Docket or Case No:

12. **Billing Contact Information:** Is the billing contact information should match the billing address on the ATCC account number listed on this deposit form, please email patentdeposit@atcc.org for verification of your billing account address.

Organization Name: Contact Name:

Department: Street Address:

City: State: Zip Code: Country:

Phone: Fax: Email:

13. **Payment Information:** Unless prior arrangements for billing have been made with and approved by ATCC, please provide the appropriate payment information. Payments by check, purchase order for the exact amount, and credit card are accepted. By providing ATCC with an executed copy of this deposit form, Depositor authorizes ATCC to charge its credit card. Please note that fees are subject to change. For current fees, please visit our website at www.atcc.org or email patentdeposit@atcc.org

a. Do you have a current ATCC account number? ☐ Yes ☐ No

If yes, please indicate the ATCC Account Number:

If no, please complete a New Account Application on our website at www.atcc.org

b. Purchase Order No:

c. Check No:

d. Credit Card number:

Please Select Type of Card: ☐ MasterCard ☐ VISA ☐ American Express

e. Card expiration date:

f. Name shown on card:

g. Email of card holder:

h. Signature of card holder: _____

14. **Shipping:** Depositor acknowledges and agrees that it is solely responsible for and shall comply with all applicable law relating to the shipment of deposits to ATCC. Depositor shall defend, indemnify, and hold ATCC harmless from and against any and all claims and costs of any kind or nature whatsoever relating to any such shipment.

15. **Depositor Declarations:** Depositor represents, warrants, and covenants that:

a. the deposit hereunder is for the purposes of enabling one or more patents in the patent and industrial property offices, and depositor will comply with all applicable law (including, without limitation, all rules and regulations such patent and industrial property offices);

b. it will provide the material in the form and quantity as required by ATCC; and

c. if the material becomes nonviable or depleted during the Deposit Term, as determined by ATCC, Depositor will promptly provide a replacement deposit to replace such nonviable microorganism.

16. **End of Deposit Term and Disposition of deposited material after Term:**

a. Using contact information provided in Sections 10 and/or 11, ATCC will notify Depositor and/or Depositor's attorney that the Deposit Term has ended. Depositor bears responsibility for updating ATCC of changes of address or assignment or other transfer of rights in the deposit. Depositor also bears responsibility for notifying ATCC if the enforceable life of a patent referencing the deposited material would extend beyond the end of the Deposit Term as calculated by ATCC.

b. Thirty days after notifying Depositor that the Deposit Term is complete, ATCC reserves the right, at ATCC's discretion, to (i) destroy all remaining stock of deposited material; (ii) transfer the deposited material to ATCC's general collection, (iii) reproduce the deposited material; (iv) modify the deposited material, (v) list the deposited material (or modified material) in one or more ATCC product catalogs, and (vi) sell the deposited material (or reproduced or modified material) to the public without restriction.

c. Notwithstanding the preceding paragraph, if no patent referencing the Deposited Material issued during the Deposit Term, then **within 30 days of ATCC providing notification** that the Deposit Term has ended, Depositor may instruct ATCC in writing to either return the deposited material to Depositor (at Depositor's expense), or destroy all deposited material remaining in storage; and ATCC will comply with such timely request.

d. ATCC's obligations to provide Notification under section 9 shall cease at the end of the Deposit Term.

17. **Liability:** ATCC's liability for breach of this agreement shall be limited to the total value of payments received by ATCC from Depositor. Depositor shall defend, indemnify, and hold ATCC harmless from and against any and all claims and costs of any kind or nature whatsoever relating to the deposited material or samples of the deposited material furnished pursuant to Section 8.

DEPOSITOR has read and agrees to the terms and conditions of this deposit form, and the information Depositor has provided hereunder is truthful and accurate.

On behalf of Depositor

_____

Signature

Name

Title

Date

ATCC® USE ONLY: ATCC PATENT DEPOSIT NUMBER: _____ DATE DEPOSIT RECEIVED _____

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