

# David Boundy

P.O. Box 590638  
Newton, Mass. 02459  
646.472.9737

[DavidBoundyEsq@gmail.com](mailto:DavidBoundyEsq@gmail.com)

December 11, 2021

Via Email [Dorothy.Campbell@uspto](mailto:Dorothy.Campbell@uspto); [Louis.Boston@uspto.gov](mailto:Louis.Boston@uspto.gov); FOIARequests@uspto.gov

Dorothy Campbell  
U.S. Patent and Trademark Office

Re: FOIA request F-21-00084 (Mr. Neifeld's matter DAVI20002)

Dear Ms. Campbell:

Thank you for your phone call Thursday.

Mr. Neifeld represents me in the district court litigation, *Boundy v. United States Patent and Trademark Office*, 1:21-cv-01366 (E.D. Va.). To comply with Rule 4.2, by separate email, Mr. Neifeld has consented to you communicating with me directly in the underlying FOIA request insofar as the request is processed in the agency. However, for the district court litigation, let's maintain the formality of Rule 1.4, so communications flow through him.

The general scope of request F-21-00084 is:

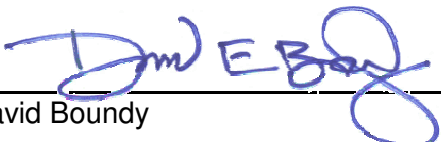
1. Documents that govern or recommend requirements for signatures, when the signatory is **not** an attorney/agent registered before the Office. (For anyone with a registration number, the inclusion of that registration number in a signature block solves all the problems that arise with other signatories).
2. The request covers signatures on any document that is typically signed by someone other than a registered attorney. Examples include powers of attorney, assignments, declarations, and § 3.73 statements.
3. I know of the following characteristics that are evaluated—that is, signatures can be refused on the following criteria:
  - a. What titles are and are not accepted? The attachment to the original FOIA request, and attached again here, is an example.
  - b. What are the criteria for the signature itself? Examples are the difference between “/Name/” required by 37 C.F.R. § 1.4(d)(2) vs. “/s/ Name”, the ordinary standard accepted everywhere else.

U.S. Patent and Trademark Office  
December 11, 2021

- c. These are the examples I know of, but the request goes to all criteria that are evaluated for whether to accept or reject a signature. For example, would an "X" be accepted if the signatory is illiterate? What records specify criteria for accepting these signatures?

You asked for example bounce notices. Another attorney sent me the two examples in the attachment. A common reason for these notices is that the signatory purports to be "managing member" of an LLC, or "managing director" of a financial services firm.

I hope this simplifies matters for you. Thank you for your phone call.

  
\_\_\_\_\_  
David Boundy

December 11, 2021  
Date

## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 06/03/2020. The power of attorney in this application is not accepted for the reason(s) listed below:

The power of attorney filed 06/03/2020 has not been accepted because the power of attorney must be signed by the applicant for patent. See 37 CFR 1.32(b)(4).

- The request to change the applicant is not accepted because the ADS submitted on 06/03/2020 was not properly marked up to show the desired changes. For information being changed relative to the information already of record, the ADS must contain markings to show that the information is being changed with underlining for insertions and strike-through or brackets for text removed. See 37 CFR 1.76(c)(2). Information of record can generally be found on the latest filing receipt.

Because the request to change or update the applicant cannot be accepted, the power of attorney is not properly signed by the applicant and cannot be accepted. The change to applicant must be acceptable before the new applicant can appoint power of attorney.

In order to make changes to the information of record, an ADS must be properly signed and properly marked up relative to the current information of record.

**Proper signature:** The ADS must be signed with a handwritten signature or proper S-signature by:

- A patent practitioner, with the practitioner's registration number accompanying the signature (e.g., immediately below or adjacent to the signature), or
- The applicant, if the applicant is an individual other than the inventor(s) and no power of attorney has been appointed, or
- All of the inventors, if no other applicant has been established and no power of attorney has been appointed.

A proper S-signature consists of only letters and/or Arabic numerals, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation contained between a first single forward slash mark before, and a second single forward slash mark after, the S-signature.

**Proper markings:** The ADS must identify the changes being made with underlining for insertions and strike-through or brackets for text removed. No other markings or indications are acceptable. Where an ADS providing corrected or updated information does not contain all of the sections of the ADS, the entire section in which changes are being made must be included in the ADS. Information of record can generally be found on the latest filing receipt.

/ylueng/

---

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 03/31/2020. The power of attorney in this application is not accepted for the reason(s) listed below:

The power of attorney filed 03/31/2020 has not been accepted because the power of attorney must be signed by the applicant for patent. See 37 CFR 1.32(b)(4).

- The person or entity attempting the change to power of attorney is not the applicant of record in the application. Any request to change the applicant once the applicant has been specified must include (1) an application data sheet (ADS) specifying the new applicant in the Applicant Information section, and (2) a statement under 37 CFR 3.73(c) (USPTO Form PTO/AIA/96 or an equivalent) to show chain of title to the new applicant. The ADS must contain markings to show the information that is being changed, with underlining for insertions and strike-through or brackets for text removed. See 37 CFR 1.76(c)(2).

Because the request to change or update the applicant cannot be accepted, the power of attorney is not properly signed by the applicant and cannot be accepted. The change to applicant must be acceptable before the new applicant can appoint power of attorney.

/ggasgedom/

---

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101