



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

December 17, 2021

VIA EMAIL

Mr. David Boundy
Cambridge Technology, Law LLC
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Newton, MA 02459
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DavidBoundyEsq@gmail.com

Re: *Freedom of Information Act (FOIA) Request No. F-21-00084*

Dear Mr. Boundy:

The United States Patent and Trademark Office (USPTO) FOIA Office has received your e-mail dated Friday, March 12, 2021 requesting a copy of the following documents pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552:

[A]ll documents issued since, or in effect at any time since, the America Invents Act in September 2011 that purport to govern or recommend either form of signature, title of a signatory, or establishing authority of a natural person signatory to act on behalf of an applicant or assignee, for signatories who are not registered attorneys or agents. This request covers internal and external documents authored by the PTO or PTO personnel.

Excluded from this request are the text of the relevant regulations, 37 CFR § 1.4, § 1.32(b)(4), § 3.71, and § 3.73, but guidance, memoranda, instructions, or other documents (internal or external) that purports to elaborate on, or guide application of, regulation would be responsive.

During a telephone conversation we had on December 8, 2021, and a follow-up email correspondence on December 9, 2021, you further clarified that 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.

Your correspondence included a sample document “Apparent Authority Guidance for POA” which indicated it was revised in November 2013. You referenced this document during our telephone conversation the day prior, and you explained that your request is centered around a search for the most updated version of this guidance document.

After conducting a more focused search, the USPTO has identified a document that is responsive to your request, and a copy is enclosed. Given the parameters of your original request, as well as subsequent clarification, this document is responsive to your request and is releasable in full. As you indicated you were not asking for copies of publicly available regulations that otherwise govern forms of signature for signatories who are not registered attorneys or agents.

You may contact the FOIA Public Liaison at 571-272-9585 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request is considered complete with full disclosure. However, you have the right to appeal this initial decision to the Deputy General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 90 calendar days from the date of this letter. See 37 C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked “Freedom of Information Appeal.”

The processing fee for this request was less than \$20.00, and is hereby waived.

Sincerely,

Dorothy G. Campbell
Dorothy G. Campbell
USPTO FOIA Officer
Office of General Law