



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MEMORANDUM

DATE: March 22, 2024

TO: All Patent Employees

FROM: Charles Kim 
Deputy Commissioner for Patents

SUBJECT: Electronic Signatures 37 CFR 1.4(d)(4)

The purpose of this memorandum is to announce that the USPTO has published a final rule entitled “Signature Requirements Related to Acceptance of Electronic Signatures for Patent Correspondence” at 89 Fed. Reg. 20321 (notice). The rule change provides an update to the signature rule to provide for broader permissibility of electronic signatures using third-party document-signing software, such as DocuSign® and Acrobat® Sign.

Under the new rule, a person signing patent correspondence electronically may sign the correspondence using any form of electronic signature specified by the Director. Moreover, the electronic signature under newly added 37 CFR 1.4(d)(4) may be used whether the correspondence is being submitted via the USPTO patent electronic filing system, mailed, faxed, or hand delivered. Significantly, the electronic signatures of newly added 37 CFR 1.4(d)(4) do not require the forward slashes of 37 CFR 1.4(d)(2). At this time, the electronic signatures specified by the Director in newly added 37 CFR 1.4(d)(4) consist of electronic signatures generated via third-party document-signing software that meet the following requirements:

1. The third-party signing software must be specifically designed to generate an electronic signature and the software must preserve signature data for later inspection in the form of a digital certificate, token, or audit trail. Patent examiners and other USPTO personnel may presume that the document-signing software preserves signature data for later inspection in the required form, unless the Office of the Deputy Commissioner for Patents (Legal) notifies the patent examiners or other USPTO personnel otherwise.
2. The software must indicate that the signature page or electronic submission form was generated or electronically signed using document-signing software.
3. The signer’s name must be presented in printed or typed form preferably immediately below or adjacent to the electronic signature, and the name of the signer must be reasonably specific enough so that the identity of the signer can be readily recognized. A patent practitioner signing pursuant to 37 CFR 1.33(b) must supply their registration number either as part of the signature, or immediately below or adjacent to the signature.

If any existing guidance, including the Manual of Patent Examining Procedure (MPEP), is inconsistent with the notice, Office personnel are to follow the notice and this memorandum. The updated guidance provided in the notice will be incorporated into the MPEP in due course.

A copy of the notice can be found here: [Electronic Signature Update](#)

Examples of proper and improper electronic signatures under the final rule are attached.