



MEMORANDUM

DATE: January 12, 2007  
TO: Technology Center Directors  
FROM: John J. Love *John J. Love*  
Deputy Commissioner  
For Patent Examination Policy  
SUBJECT: Clarification of Acceptable S-signatures Submitted by the Public

INTRODUCTION

As part of the changes to support the implementation of the 21<sup>st</sup> Century Strategic Plan, on September 21, 2004 the Office revised 37 CFR 1.4 to permit an applicant or applicant's representative to sign correspondence using an "S-signature." An S-signature includes any signature made by electronic or mechanical means, and any mode of making or applying a signature not covered by either a personally signed handwritten signature, or an Electronic Filing System (EFS) character coded signature. See MPEP 502.02 for more information on S-signatures.

The rule change to 37 CFR 1.4 offered applicants and patent practitioners increased flexibility in the submission of papers to the Office. Additionally, the Office has released tools to the public (such as EFS-Web) that encourage electronic submissions of correspondence. Such electronic submissions often include documents with S-signatures. As a result, the percentage of applicants and patent practitioners opting to file papers using S-signatures continues to increase.

Given the increasing usage of S-signatures, a restatement and clarification of acceptable S-signatures, including some illustrative examples, would be both timely and helpful to those Office personnel who review such S-signatures for acceptability. The remainder of this memo provides such a restatement and clarification, and it supplements the previously issued guidance and examples.

Requirements for an S-signature:

1. An "S-signature," as defined in 37 CFR 1.4(d)(2), is a signature electronically or mechanically inserted between single forward slash marks. Handwritten signatures are excluded as they are covered by 37 CFR 1.4(d)(1).
2. The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation. The person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature.

3. A patent practitioner must supply his or her **registration number** either as part of the S-signature, or immediately below or adjacent to the S-signature. A number (#) character may be used in an S-signature when indicating a registration number for a practitioner.
4. The **signer's name** must be presented in printed or typed form, preferably immediately below or adjacent the S-signature, and be reasonably specific enough so that the identity of the signer can be readily recognized.
5. If there is reasonable doubt as to the identity of the person signing, or the authenticity of an S-signature on a particular paper, the Office may require clarification (e.g. confirmation and/or ratification) from the party identified as signing that paper. See MPEP 502.02, subsection V (8<sup>th</sup> Ed. Rev. 5, Aug. 2006). For example, if an applicant (or applicant's representative) uses inconsistent S-signatures on different documents (e.g., using /Bill/ on one piece of correspondence, /Joe/ on a second piece and /xyz/ on a third), this would raise doubt as to the identity of the person signing. Therefore, clarification should be initiated via a telephone call to the party identified as signing that paper.

As described above, the rule regarding S-signatures places restrictions on the **form** of the S-signature but not its **content**. **Thus, Office employees who review S-signatures on submitted correspondence should not reject or refuse such correspondence based on the content of the S-signature if it complies with the broad criteria set forth above.** In the unlikely event that an S-signature contains an offensive word or phrase, Office employees and contractors should forward the correspondence to the Office of Enrollment and Discipline for review regarding the signer's possible failure to conduct business with decorum and courtesy, as required by 37 CFR 1.3.

Four Examples of Compliant (and Acceptable) S-signatures follow:

Note: Each example includes: 1) an S-signature, 2) between forward slash marks, 3) a Name, and 4) a Registration Number (Reg #), if applicable.

Ex. 1. /Dr. James T. Jones, Jr./

Dr. James T. Jones, Jr.

There is an S-signature, between forward slash marks, and a name, for Dr. James T. Jones, Jr., who is an applicant representing himself.

Ex. 2. /G. Smith, #01234/

George Smith

There is an S-signature, and a Reg #, both between forward slash marks, and a name, for registered practitioner, George Smith.

Ex. 3. /P/

Peter Richmond #01234

There is an S-signature, between forward slash marks, and a name including a Reg #, for registered practitioner, Peter Richmond. **Note: A one-letter, or a one-Arabic numeral, S-signature is acceptable.**

Ex. 4. /xxxoOo12lklys/

Richard Peterson

There is an S-signature, between forward slash marks, and a name for Richard Peterson, who is an applicant representing himself.

**Note:** The use of “xxxoOo12lklys” as an S-signature instead of the person’s actual name is **not prohibited** by the S-signature rule; thus it is permitted.

Other examples of acceptable (and improper) S-signatures can be found at:

[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/sigexamples\\_alt\\_text.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/sigexamples_alt_text.pdf)

Note that the examples both presented in this memorandum and at the web site address listed above are not intended to comprise an exhaustive list of proper or improper S-signature examples.

Questions related to the requirements for, and acceptability of, S-signatures should be directed to:

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
(571) 272-7709

Samuel Broda  
Legal Advisor  
Office of Patent Legal Administration  
(571) 272-7711