UNITED STATES
PATENT AND TRADEMARK OFFICE



Signatures 37 CFR 1.4

Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy



Signatures 37 CFR 1.4(d)

- Signatures for correspondence filed in an application, patent file, or other proceeding in the United States Patent and Trademark Office ("Office") that requires a person's signature.
- Assignments and related documents that are recorded in the Office's assignment records are not governed by the Office's signature rules.
 - The cover sheet, which must accompany an assignment document to be recorded, must be signed in accordance with 37 CFR 3.31(a)(7)
- The Office electronic filing system is EFS-Web or Patent Center.
- Note: Samples of acceptable signatures are posted on the office's web site (pages 1-4):
 - www.uspto.gov/sites/default/files/documents/sigexamples_alt_text.pdf



Signatures 37 CFR 1.4(d) cont'd

- Three types of permitted signatures:
- A signature <u>must</u> be personally inserted/applied by the individual identified as the signer, regardless of the manner of making the signature.
 - <u>Handwritten</u> (personally signed) signatures are provided for in § 1.4(d)(1).
 - S-signatures are provided for in § 1.4(d)(2):
 - An S-signature is a permitted type of signature between forward slash marks that is not handwritten (§1.4(d)(1)).
 - Previously not permitted for correspondence being submitted to OED or on the paper credit card form (though temporary waiver was put in place on 3/19/2020)
 - Graphic representation of a handwritten signature or a graphic representation of an S-signature may be submitted via the Office electronic filing system (EFS-Web or Patent Center) (§ 1.4(d)(3)).
- <u>Exception to personal insertion requirement</u>: a person physically unable to use a keyboard may, while simultaneously reviewing the document for signature, direct another person to press the appropriate keys to form the S-signature

Handwritten signatures – Three requirements 37 CFR 1.4(d)(1)

- Handwritten signature ((1) personally signed) must be (2) pen applied to paper in (3) permanent dark ink or its equivalent.
- May be an original document or a photocopy of the document.
- A hand stamp or signature replication is not a handwritten signature under § 1.4(d(1)), and therefore is not acceptable for paper submissions.
- However, a hand stamp or signature replication may be acceptable.
 - For correspondence submitted in any manner, as an S-signature (§ 1.4(d)(2)) if submitted between forward slashes, or
 - For correspondence submitted via EFS-Web, as a graphic representation of a handwritten signature (§ 1.4(d)(3))

S-signatures – requirements 37 CFR 1.4(d)(2)

- The S-signature must consist only of letters (including Kanji, etc.), or Arabic numbers, or both, and appropriate spaces, commas, periods, apostrophes, or hyphens for punctuation, § 1.4(d)(2)(i).
- The person signing must insert his or her own signature between the forward slash marks, § 1.4(d)(2)(i).
 - Only the signer can insert his or her own signature:
 - A secretary, paralegal, etc., Is not permitted to sign/insert another person's signature, e.g. a practitioner's or inventor's signature, and
 - A practitioner is not permitted to sign/insert an inventor's signature or another practitioner's signature
 - The signature block may include the forward slashes for the person to insert their signature therebetween
 - No one is permitted to insert the forward slashes after the inventor has inserted his signature

S-signatures – requirements 37 CFR 1.4(d)(2)

- The name of the person signing must be printed or typed immediately adjacent (i.e., below, above, or beside) to the S-signature, and be reasonably specific, so the identity of the signer can be readily recognized.
 - The name of the person signing may be inserted by someone other than the person signing, but the person signing must personally insert the S-Signature.
 - A secretary, paralegal, etc., may type the name of the person signing at any time (e.g., before or after the person signing inserts his or her own signature).
- A patent practitioner may S-sign but his or her registration number is required, either as part of the S-signature, or immediately below or adjacent to the signature (§ 1.4(d)(2)(ii)).
 - For example: /John Attorney Reg. #99999/ John Attorney

Name requirement for S-signatures

- There is no requirement that the signer's actual, full, or legal name be used.
 - It is strongly suggested that the full name be used for both;
 - The typed or printed name below the signature must be reasonably specific enough so that the identity of the signer can be readily recognized (§ 1.4(d)(2)(iii)(B));
 - Exception Oath or Declaration requires legal name.
- Titles may be included as part of the signature.
- Changes in S-signature (different papers or different applications) are not recommended (§ 1.4(h)).
 - Example: An S-signature that includes the attorney docket number for that application would not be a consistent signature.

S-signature examples

S-signature within forward slashes, name below:

– /Noah B. Dey/ Noah B. Dey

– /Noah B. Dey/Proper S-signature

– /s/Noah B. Dey

Proper S-signature

– / Noah B. Dey/B. Dey

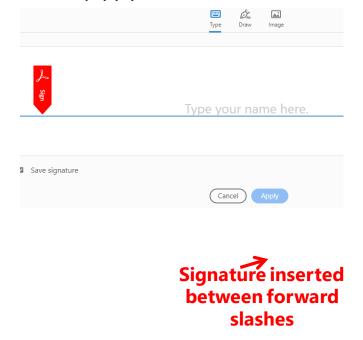
Proper S-signature in script font Noah

- / John T. Smith

Image of handwritten signature personally inserted, may comply with 37 CFR 1.4(d)(2) and (3)

S-signature examples

 S-signature created in a commercial platform with forward slashes, which will be personally inserted adjacent printed name, is also acceptable under 37 CFR 1.4(d)(3).





S-signature

• S-signature made using a commercial platform. The S-signature with forward slashes is created and personally inserted on a document adjacent the printed name. 37 CFR 1.4(d)(2) and (3).

Confirm your name, initials, and signature. *Required Full Name* /Noah B. Dey/ SELECT STYLE DRAW PREVIEW DocuSigned by: /Noah B. Duy/ F319CEDSDCA84C7... DS NBD

Adopt Your Signature

	LEGAL NAME OF INVENTOR				
Inventor: Noah B Dev					
	Signature:/Noal B. Dry/				
	Note: An application data sheet (PTO/SB/14 or equipment of the previously filed. Use an additional PTO/AIA.				

S-signature

• S-signature under 37 CFR 1.4(d)(2), wherein the paper to be signed was prepopulated with two forward slashes. The signer inserted his signature between the forward slashes. The signature was typed using a script font. As such it needs to be within forward slashes.

LEGAL NAME OF INVENTOR					
Inventor: Noah B. Dey					
Signature: /	Male B. Dry	1			
	F319CED3DCA64C7				

Note: An application data sheet (PTO/SB/14 or equivalent) been previously filed. Use an additional PTO/AIA/01 form



Graphic representation of a signature for electronically submitted correspondence 37 CFR 1.4(d)(3)

- A graphic representation of a handwritten signature is permitted if the correspondence is being submitted via the Office electronic filing system.
- A graphic representation of an S-signature is permitted if the correspondence is being submitted via the Office electronic filing system.
- 37 CFR 1.4(d)(3) DOES NOT APPLY to documents submitted in paper. A
 graphic representation of a signature may only be used if the paper is
 submitted via the Office electronic filing system.

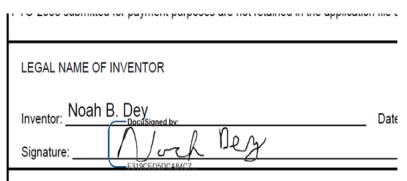


Graphic representation of handwritten signature

 Signature created using a commercial platform and inserted on the document by the signer. It is submitted via the Office electronic filing system and it does not require forward slashes. This was done with a stylus, note "Draw Your Signature" below.

Full Name*			
		NBD	
DRAW			
URE			
1 1	no no		
och	لم معدا		
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By selecting Adopt and Sign, I agree that this mark will be the electronic representation of my signature or initials whenever I use recipients of electronic documents I sign will be able to see my DocuSign ID, which will include my email address.



Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inverbeen previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

Commercial signing systems

- Commercial signing systems (e.g., DocuSign, Dotloop, Adobe) may be acceptable.
 - Under 37 CFR 1.4(d)(2) if the signature is inserted between forward slash marks
 - Under 37 CFR 1.4(d)(3) if the signature is a graphic representation of either a handwritten signature or an S-signature and submitted via the Office electronic filing system. 37 CFR 1.4(d)(3) does not apply to documents submitted in paper



Questionable signatures

- Ratification, confirmation, or evidence of authenticity of a signature may be required where the office has:
 - Reasonable doubt as to its authenticity,
 - Where the signature and typed or printed name do not clearly identify the person signing.
- The failure to follow the S-signature format and content requirements will usually be treated as a bona fide attempt, but will cause the paper to be treated as unsigned with differing results, e.g.:
 - Responses to Office action would receive a two-month time period (MPEP 714.01)
 - § 1.63 declarations may a receive a two-month time period and a surcharge may be imposed
 - § 1.63 declarations may result in abandonment of the application, if submitted with the issue fee payment after the Notice of Allowance

Certification requirements 37 CFR 1.4(d)(4)

- Certification requirement.
- For your own signature: The person inserting a signature under § 1.4(d)(2) in a document submitted to the office certifies that the inserted signature appearing in the document is his or her own signature.
- For another's signature: A person submitting a document signed by another under § 1.4(d)(2):
 - Is obligated to have a reasonable basis to believe that the person whose signature is present on the document actually inserted that signature, and
 - Should retain evidence of authenticity of the signature.

Violations of the signature certifications may result in the imposition of sanctions under §§ 11.18(c) and (d).

"Take home"



- Make sure documents are properly signed before filing them.
- Retain in your records evidence of documents (e.g., the inventor's oath or declaration) being signed by applicants/inventors/clients.
- For patent practitioners, always include your registration number when signing with an S-signature (adjacent to it or as part of the S-signature).
- Both the name of the signer and the signature should be consistent between documents/applications.
- The Office's rule provides for many different types of signatures. Individuals or patent practitioners may simply use a keyboard to create an S-signature or use commercial platforms to create a graphical representation of a handwritten signature or apply an S-signature between two forward slashes. The two forward slashes may be inserted by the signer or may be prepopulated on the document to be signed.

