

Publications

A Cautionary Tale: The Importance of Authentic Signatures in Patent Applications

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Michael A. Danis

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The U.S. Patent and Trademark Office (USPTO) has recently terminated proceedings in approximately 3,100 patent applications due to the fraudulent use of a registered practitioner's signature by an unauthorized individual. This incident underscores the critical importance of adhering to proper signature practices in patent filings.

According to USPTO regulations (37 CFR 1.4), signatures on documents submitted must be personally inserted by the named signatory. The USPTO may request evidence to verify the authenticity of a signature and any submission intended to deceive or evade the rules can result in severe sanctions (37 CFR 11.18).

What Happened?

In October 2022, the USPTO identified a suspicious pattern involving a practitioner's signature on numerous micro entity certification forms. An investigation with the cooperation of the practitioner revealed that the practitioner's signature was fraudulently used by another individual on numerous forms. This violation of the USPTO's rules (37 CFR 1.4) and the duty of candor and good faith led to the termination of the affected applications.

Kathi Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, emphasized the importance of practitioners safeguarding their credentials and promptly reporting any suspected fraud. She also advised applicants to ensure they are working with licensed representatives authorized to practice before the USPTO.

Our Takeaways:

- **Authenticity matters:** Signatures on USPTO submissions must be *personally* inserted by the named signatory.
- **Vigilance required:** Practitioners must take reasonable precautions to protect their credentials and report any suspected fraud.

- **Sanctions possible:** Improper submissions can result in severe consequences, including the termination of proceedings.
- **For applicants:** Ensure you are working with a licensed representative authorized to practice before the USPTO.

For any inquiries regarding the signature requirements for patent applications, Vorys' team of registered patent practitioners can provide expert guidance and services. Don't hesitate to contact a Vorys patent practitioner for assistance.