

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

_____)	
TRIANTAFYLLOS TAFAS,)	
Plaintiffs,)	
)	CIVIL ACTION: 1:07-CV-00846-JCC-TRJ
v.)	
)	
JON W. DUDAS, in his official)	
capacity as Undersecretary of)	
Commerce for Intellectual Property)	
and Director of the United States)	
Patent and Trademark Office, et al.,)	
Defendants.)	
_____)	

CONSOLIDATED WITH

_____)	
SMITHKLINE BEECHAM)	
CORPORATION, et al.,)	
Plaintiffs,)	CIVIL ACTION: 1:07-CV-00846-JCC-TRJ
)	
v.)	
)	
JON W. DUDAS, in his official)	
capacity as Undersecretary of)	
Commerce for Intellectual Property)	
and Director of the United States)	
Patent and Trademark Office, et al.,)	
Defendants.)	
_____)	

AMENDED CERTIFICATION OF THE ADMINISTRATIVE RECORD
BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration of Jennifer M. McDowell

I, Jennifer M. McDowell, hereby declare:

1. I am employed by the United States Patent and Trademark Office ("USPTO").

During the period from January 3, 2006 through the present, I have been an

attorney in the USPTO's Office of General Counsel, Office of General Law.

2. As an attorney in the Office of General Law, I am responsible for the administrative clearance of Agency rule makings.
3. In connection with these duties, I have knowledge of the record-keeping practices of the USPTO relating to rule makings.
4. The above-referenced action is a challenge to USPTO final rules, Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications. 72 FR 46716-46843 (August 21, 2007).
5. On October 5, 2007, I certified that the administrative record provided to the Court at A00001-A09622 was, to the best of my knowledge, a true, correct and complete copy of the administrative record in this matter.
6. It has recently come to my attention as a result of summary judgment briefing that eleven public comments were inadvertently omitted from the administrative record that I previously certified.
7. These eleven public comments have, at all relevant times, been publicly available on the USPTO's website, http://www.uspto.gov/web/offices/pac/dapp/opla/comments/fpp_claims/claims_comments.html and http://www.uspto.gov/web/offices/pac/dapp/opla/comments/fpp_continuation/continuation_comments.html. The USPTO considered and responded to these comments in the Federal Register.

8. Their omission from the record was an oversight, caused by the eleven comments having been in a different physical location from other comments at the time the record was certified.
9. With the addition of the documents annexed hereto as SA001 - SA101, the administrative record that I certified on October 5, 2007 is, to the best of my knowledge, true, accurate, and complete.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: January 16, 2008



JENNIFER M. MCDOWELL