

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

TRIANTAFYLLOS TAFAS, Plaintiff,)	
)	
)	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.)	

SECOND 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 and January 16, 2008, I certified that the administrative record provided to the Court at A00001-A09622 and SA001-101 were, to the best of my knowledge, a true, correct and complete copy of the administrative record in this matter.
6. As a result of summary judgment briefing, on January 22, 2008, it came to my attention that a two-page document, the Agency's Regulatory Flexibility Act certification of the notice of proposed rulemaking concerning the claims rule, was inadvertently omitted from the administrative record.
7. The information contained in that four-paragraph document is included in the existing administrative record. See Changes to Practice for the Examination of Claims in Patent Applications, 71 Fed. Reg. 61, 66 (2006) (A00006). The first paragraph of the document is conveyed in substance in the referenced Federal Register notice, and the second through fourth paragraphs of the document are reproduced verbatim. See id.

8. With the addition of the document annexed hereto as SA102-SA103, the administrative record that I certified on October 5, 2007 and January 16, 2008 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 22, 2008.



JENNIFER M. MCDOWELL