

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

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| TRIANTAFYLLOS TAFAS, Plaintiff, |) | |
| |) | |
| |) | |
| v. |) | CIVIL ACTION: 1:07-CV-00846-JCC-TRJ |
| |) | |
| 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. |) | |

**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 August 21, 2007, I was 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 was 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 rulemakings.
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 Fed. Reg. 46716 (Aug. 21, 2007).

5. The documents listed in the accompanying Index of Administrative Record and filed with the Court are, to the best of my knowledge, a true, correct and complete copy of the administrative record in this matter.
6. Privileged documents reflecting internal agency deliberations, attorney-client communications, and attorney work product have been excluded from the administrative record. See e.g., Nat'l Courier Ass'n v. Bd. Of Governors of Fed. Reserve Sys., 516 F.2d 1229, 1241-43 (D.C. Cir. 1975); Amfac Resorts, L.L.C. v. U.S. Dep't of the Interior, 143 F. Supp. 2d 7, 13 (D.D.C. 2001). Where only a portion of a document is privileged, the privileged information has been redacted. Any unpublished patent applications or patent application identifiers that were utilized or considered during the rule making process have been excluded or redacted pursuant to 35 U.S.C. § 122. Additionally, information protected by the Privacy Act of 1974, as amended, 5 U.S.C. § 552, has been redacted from the record.

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

Dated: October 5, 2007



JENNIFER M. MCDOWELL