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October 10, 2005

To: CAFC - Clerk of the Court  
United States Court of Appeals  
for the Federal Circuit  
717 Madison Pl., NW  
Washington, DC 20439

Re: Inefficient and Unnecessarily Costly CAFC  
Rules Requirements that Should be Changed

To the Court:

**I. REQUIREMENT FOR *INK* SIGNATURES ON JOINT MOTIONS**

I was informed today by the clerk answering your telephone number 202-633-6550 that the CAFC would reject a joint motion filed by the USPTO solicitor and me in CAFC docket No 05-1370 unless the motion had original ink signatures from both parties. Mr. Lamarca, on behalf of the USPTO solicitor, confirms that is also his understanding of CAFC requirements.

That rule is a complete waste of the time of the parties involved, and it serves no beneficial purpose.

I received from Mr. Lamarca a joint motion as an email attachment today, published the motion to pdf, used the acrobat Pencil tool to use my mouse to hand write my signature and to date the pdf image of the motion, and then I emailed the executed motion back to Mr. Lamarca. Total time involved - a couple of minutes. Instead, to comply with this rule, the USPTO has to spend government resources to send a courier over to me with a printed copy so that I can sign the motion, again, this time with an ink pen, to comply with the CAFC rule. Cost to both parties, about 2 hours, and about half of that is attorney time and half staff support time. This CAFC rule requirement results in a complete waste of time and expense; it provides no benefit to the Court and substantial cost to the public. The requirement should immediately be eliminated.

**II. PAPER REQUIREMENTS THAT *EXCLUDE ATTORNEY DOCKET NUMBERS FROM APPEARING PROMINENTLY ON CAFC FILINGS***

My firm, like all other firms, uses docket numbers to track matters. Our docket numbers, like most firms, are NOT the courts docket numbers. I am told by both Mr. Lamarca in the USPTO's solicitor's office, and by our CAFC filing company, Counselpress, that the CAFC would bounce any paper we filed that prominently included our firm docket number on the cover page.

Prohibiting firm docket numbers on cover pages of papers filed in any proceeding is inefficient. In fact, on several occasions, my clerks mis-docketed papers filed in the CAFC because they could not correctly identify our docket number. In all CAFC filings, they have to consult extrinsic documents to figure out to which matter a CAFC filing belongs. I estimate the additional time cost, per document, due to this prohibition, is between three and five tenths of an hour. The CAFC rule that precludes a party from prominently listing their own docket number on the first page of any CAFC filing is costly to the public and provides no benefit to the Court. It should be immediately eliminated.

### III. CONCLUSION

I request that the court immediately eliminate both of the foregoing requirements.

Very truly yours,

Richard A. Neifeld  
President, Neifeld IP Law, PC

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