Honolulu in the enforcement of the safety zones.  

District Commander means Commander of the Fourteenth Coast Guard District.  

Reentry services means:  
(i) Activities involved in the preparation of a reentry vehicle and payload, crew (including crew training), government astronaut, or space flight participant, if any, for reentry; and  
(ii) The conduct of a reentry.  

Reentry vehicle means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from Earth orbit or outer space to Earth, substantially intact.

Space support vessel means any vessel engaged in the support of space activities.

Splashdown means the landing of a reentry vehicle into a body of water.

(c) Regulations. (1) Under the general safety zone regulations in subpart C of this part, U.S.-flagged vessels may not enter the safety zone described in paragraph (a) of this section unless authorized by the District Commander or a designated representative. All foreign-flagged vessels are requested and encouraged to remain outside the safety zone.

(2) To seek permission to enter, transit through, anchor in or remain within the safety zone contact Sector Honolulu Command Center by telephone at (808) 842–2600 or the District Commander’s representative via VHF–FM radio on channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the District Commander or a designated representative.

(3) The COTP Honolulu or a designated representative may restrict vessel movement including but not limited to transiting, anchoring, or mooring within the safety zone to protect vessels from hazards associated with rocket recoveries. These restrictions are temporary in nature and will only be enacted and enforced prior to and just after the recovery missions.

(d) Enforcement period. (1) To the extent possible, twenty-four hours before a reentry vehicle splashdown, reentry vehicle splashdown, the District Commander, Captain of the Port Sector Honolulu or a designated representative will inform the public of the activation of the safety zone described in paragraph (a) of this section by Broadcast Notice to Mariners on VHF–FM channel 16. The safety zone described in paragraph (a) will remain active and enforced by Broadcast Notice to Mariners on VHF–FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement.

(2) After a reentry vehicle splashdown, the District Commander, Captain of the Port Sector Honolulu, or a designated representative will grant general permission to come no closer than three nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in paragraph (a) of this section.

(3) Once a reentry vehicle or its remnants are removed from the water and secured onboard a space support vessel, the District Commander, Captain of the Port Sector Honolulu, or designated representative will issue a Broadcast Notice to Mariners on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement.

(e) Effective period. This section is effective from 12:01 a.m. on November 17, 2023, through 11:59 p.m. on November 20, 2023.

Blake L. Novak,  
Captain, U.S. Coast Guard, Fourteenth Coast Guard District.  

SUPPLEMENTARY INFORMATION:  

DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
37 CFR Parts 1, 11, and 41  
[Docket No. PTO–C–2023–0010]  
RIN 0651–AD67  


AGENCY: United States Patent and Trademark Office, Department of Commerce.  

ACTION: Final rule.  

SUMMARY: The U.S. Patent and Trademark Office (USPTO or Office) is amending the rules of practice in patent cases and the rules regarding the representation of others before the USPTO by creating a separate design patent practitioner bar whereby admitted design patent practitioners would practice in design patent proceedings only. Prior to this rulemaking, there was only one patent bar that applied to those who practice in patent matters before the Office, including in utility, plant, and design patents. The creation of a design patent practitioner bar does not impact the ability of those already registered to practice in any patent matters before the USPTO to continue to practice in any patent matters, including design patent matters, before the Office. Furthermore, it does not impact the ability of applicants for registration who meet the criteria to practice in all patent matters from qualifying for and upon passing the current registration exam, practicing in any patent matters before the Office, including design patent matters.  

Expanding the admission criteria of the patent bar encourages broader participation and keeps up with the ever-evolving technology and related teachings that qualify someone to practice before the USPTO. The Manual of Patent Examining Procedure will be updated in accordance with this final rule in due course.  

DATES: This rule is effective January 2, 2024.  

FOR FURTHER INFORMATION CONTACT: Will Covey, Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED), at 571–272–4097; and Scott C. Moore, Acting Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, at 571–272–9797.  

PURSUANT TO THE AUTHORITY CONFERRED UPON THE USPTO UNDER TITLE 35 OF THE UNITED STATES CODE, including Article II, Section 14, the USPTO promulgates the following final rule in due course.  

The USPTO has statutory authority to require a showing of patent practitioners that they possess “the necessary qualifications to render applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office.” 35 U.S.C. 2(b)(2)(D). Courts have determined that the USPTO Director bears the primary responsibility for protecting the public from unqualified practitioners. See Hsu-an-Yeh Chang v. Kappos, 890 F. Supp. 2d 110, 116–17 (D.D.C. 2012) (“Title 35 vests the [Director of the USPTO], not the courts, with the responsibility to protect [USPTO proceedings from unqualified practitioners.”) (quoting Premysler v. Lehman, 71 F.3d 387, 389 (Fed. Cir. 1995)), aff’d sub nom., Hsu-an-Yeh Chang v. Rea, 530 F. App’x 958 (Fed. Cir. 2013).  

Pursuant to that authority and responsibility, the USPTO promulgated regulations, administered by OED, that provide that registration to practice in patent matters before the USPTO requires a practitioner to demonstrate possession of “the legal, scientific, and technical qualifications necessary for him or her to render applicants valuable service.” See 37 CFR 11.7(a)(2)(ii). The
Office determines whether an applicant possesses the legal qualification by administering a registration examination, which applicants for registration must pass before being admitted to practice. See 37 CFR 11.7(b)(ii). To take the registration exam, applicants must first demonstrate they possess specific scientific and technical qualifications. The USPTO sets forth guidance for establishing possession of these scientific and technical qualifications in the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the United States Patent and Trademark Office (GRB), available at www.uspto.gov/sites/default/files/documents/OED_GRB.pdf. The GRB also contains the “Application for Registration to Practice before the United States Patent and Trademark Office.”

The criteria for practicing before the Office are and continue to be based in part on a determination of the types of scientific and technical qualifications and legal knowledge that are essential for practitioners to possess. This helps ensure that only competent practitioners who understand the applicable rules and regulations and have the background necessary to describe inventions in a full and clear manner are permitted to practice.

Prior to this rule, there was only one patent bar that applied to those who practice in patent matters before the Office, including in utility, plant, and design patent applications. Additionally, all practitioners are required to provide competent representation to their clients. “Competent representation requires the legal, scientific, and technical knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” See 37 CFR 11.101. In addition, all practitioners are required to be familiar with the Office’s rules and regulations, as demonstrated by their designation as a “design patent attorney” or “design patent agent,” and identifying appropriate counsel, add significant administrative and policing costs to the USPTO, and increase the risk of potential malpractice and ethical concerns.

Of the options presented, the majority of those who were in favor of creating and implementing a design patent practitioner bar preferred that design patent practitioner bar applicants be required to take the current registration examination, with modified scientific and technical requirements. Those who were in favor of this option noted that if the modified scientific and technical requirements included design degrees, the patent quality of design patents would increase because individuals with design degrees would be better able to prepare and prosecute design patent applications. Additionally, commenters noted that this option could increase the pool of potential applicants, which could lead to beneficial procompetitive effects. Lastly, this option would aid more under-represented inventors with valuable knowledge of design to aid design patent prosecution; (5) lower the costs of obtaining design patents by promoting competition among practitioners; (6) ensure consistent, high-quality design patents via qualified practitioners; (7) enlarge the pool of available service providers, including those practitioners whose background may be more tailored to the needs of a design patent applicant; and (8) increase economic opportunities for design practitioners by allowing them to access a new market for the provision of their professional services. The Office received a few comments that were not supportive of the creation of a separate design patent practitioner bar. These included statements that the division of the bar would cause confusion within the public, increase the cost of identifying appropriate counsel, add significant administrative and policing costs to the USPTO, and increase the risk of potential malpractice and ethical concerns.

Based on the support of stakeholders and commenters, this rulemaking implements a design patent practitioner bar wherein design patent practitioner bar applicants would be required to take the current registration examination, with modified scientific and technical requirements. Applicants to the design patent practitioner bar should have a bachelor’s, master’s, or doctorate of philosophy degree in any of the following areas from an accredited college or university: industrial design, product design, architecture, applied arts, graphic design, fine/studio arts, or art teacher education, or a degree equivalent to one of these listed degrees. Accepting degrees equivalent to those design degrees listed is in line with the current practice of accepting degrees that are equivalent to those
listed in the GRB under Category A. These listed degrees are currently acceptable for those applying for design patent examiner positions with the Office. To ensure applicants to the design patent practitioner bar have the requisite knowledge of USPTO rules and regulations, the USPTO also requires them to take and pass the current registration examination. Applicants are also required to undergo and pass a moral character evaluation. The evaluation would be the same evaluation that is conducted for all patent bar applicants and is described in the GRB.

As mentioned above, admitted design patent practitioners may practice in design patent matters only. Patent practitioners admitted in the past, present, and future who have fulfilled the scientific and technical requirements as enumerated in the GRB in Categories A through C will be authorized to practice in all patent matters, including in utility, plant, and design patents. Comment 2: One commenter suggested that a study of the implementation of a design patent practitioner bar, its impact on applicants/clients, and its overall effect on an efficient and reliable patent system be conducted.

Response 2: The USPTO issued a Request for Comments on this issue on October 18, 2022, requesting input on the creation and implementation of a design patent practitioner bar. See 87 FR 63044. Expanding the admission criteria of the patent bar would encourage broader participation and keep up with the ever-evolving technology and related teachings that qualify someone to practice before the USPTO. Based on the responses received, and the noted support of a design patent practitioner bar, the USPTO is proceeding with its implementation.

Comment 3: Two commenters requested clarification regarding whether the USPTO will accept candidates with coursework and/or work experience, as currently accepted for USPTO employment.

Response 3: The USPTO will accept degrees and evidence of equivalence to one of the listed degrees. Like the analysis for practice in all patent matters, the USPTO will evaluate each applicant for equivalency on a case-by-case basis.

Comment 4: Two commenters expressed concern that design patent practitioners may claim, or that clients may inappropriately believe, that design patent practitioners have specialized skills, training, or approval beyond traditional patent practitioners, providing them with expertise in design. Another commenter expressed concern that design patent practitioners should indicate that they are qualified to practice in design patent matters only. Response 4: As per 37 CFR 1.32, “[a]n attorney or agent registered under § 11.6(d) may only act as a practitioner in design patent applications or other design patent matters or design patent proceedings.” Per ethics rule, 37 CFR 11.101, all practitioners, including design patent practitioners, are required to provide competent representation to their clients. This includes properly informing their clients of practice limitations.

Comment 5: One commenter expressed concern about design patent practitioners receiving a registration number and stated it would be beneficial to place a letter designation alongside the number.

Response 5: Patent Center does not support alphabetic indicators alongside registration numbers. However, design patent practitioners will receive a particular registration number series to distinguish them from those practitioners who are authorized to practice in all patent matters.

Comment 6: One commenter suggested that the USPTO remove all degree requirements for attorneys to sit for the registration examination.

Response 6: Courts have determined that the USPTO Director bears the primary responsibility for protecting the public from unqualified practitioners. See Hsuan-Yeh Chang v. Kappos, 890 F. Supp. 2d 110, 116–17 (D.D.C. 2012) (“Title 35 vests the [Director of the USPTO], not the courts, with the responsibility to protect [USPTO] proceedings from unqualified practitioners.”) (quoting Premysler v. Lehman, 71 F.3d 387, 389 (Fed. Cir. 1995)), aff’d sub nom., Hsuan-Yeh Chang v. Rena, 530 F. App’x 956 (Fed. Cir. 2013). Pursuant to that authority and responsibility, the USPTO promulgated regulations, administered by OED, that provide that registration to practice in patent matters before the USPTO requires a practitioner to demonstrate possession of “the legal, scientific, and technical qualifications necessary for him or her to render applicants valuable service.” See 37 CFR 11.7(a)(l)(ii). The USPTO sets forth guidance for establishing possession of these scientific and technical qualifications in the GRB. As these regulations and guidance have been long-standing, they are entitled to great weight. See Alaska Dep’t of Envtl. Conservation v. EPA, 540 U.S. 461, 487 (2004) (recognizing that the Court “will normally accord particular deference to longstanding agency interpretations” (quoting Barnhart v. Walton, 535 U.S. 212, 220 (2002))); Braden v. Abbott, 524 U.S. 624, 644–45 (1998); NLRB v. Hendricks Cnty. Rural Elec. Membership Corp., 454 U.S. 170, 189–90 (1981); Menkes v. U.S. Dep’t of Homeland Sec., 637 F.3d 319, 332 (D.C. Cir. 2011) (“It is highly significant here that the agency’s ‘interpretation is one of long standing.’” (quoting Walton, 535 U.S. at 221)); Estate of Landers v. Leavitt, 545 F.3d 98, 107 (2d Cir. 2008) (finding that agency’s “longstanding” interpretation was “entitled to a great deal of persuasive weight”); Council Tree Comm’n, Inc. v. FCC, 503 F.3d 284, 289 (3d Cir. 2007) (“[C]ourts give ‘considerable weight’ to a ‘consistent and longstanding interpretation by the agency’ responsible for administering a statute.” (quoting Int’l Union of Elec. Radio & Mach. Workers v. Westinghouse Electric Corp., 631 F.2d 1094, 1106 (3d Cir. 1980)).

Comment 7: One commenter suggested that instead of having design patent bar applicants take the current registration examination, applicants take an entirely new and separate design bar examination. Such applicants would then be the only ones entitled to practice in design patent matters.

Response 7: This suggestion has not been adopted. As previously indicated by other commenters, design bar practitioners need to be familiar with the practices and procedures of patent preparation and prosecution before the USPTO. This is what the current registration examination tests. Restricting the ability to practice in design patent matters from those who meet the criteria for registration to practice in all patent matters would take away a right from those already qualified and be unfair to those who may qualify in the future.

Discussion of Specific Rules

The USPTO amends § 1.4(d)(1) to add the requirement that a design patent practitioner indicate their design patent practitioner status by placing the word “design” (in any format) adjacent to their handwritten signature.

The USPTO amends § 1.4(d)(2)(ii) to add the requirement that a design patent practitioner indicate their design patent practitioner status by placing the word “design” (in any format) adjacent to the last forward slash of their S-signature.

The USPTO amends § 1.32 to update the definition of “practitioner” in light of the amendments to § 1.16(d).

A power of attorney naming the practitioners associated with a customer number filed in an application may only
include practitioners who are authorized to practice in that application. If a design practitioner is associated with a customer number, that customer number cannot be used to establish power of attorney in a utility or plant application. This applies even if a practitioner that is authorized to practice before the Office in all patent matters is also associated with that same customer number.

The USPTO amends § 11.1 to add a definition for “design patent practitioner.”

The USPTO amends § 11.1 to amend paragraph (1) under the definition of “practitioner” to refer to § 11.6.

The USPTO amends § 11.1 to amend the definition of “register or roster” to include design patent practitioners.

The USPTO amends § 11.5 to amend paragraph (b)(1) to add “all” in view of new paragraph (b)(2), so that it is clear that (b)(1) defines the matters that a patent practitioner who is authorized to practice in all patent matters can practice; to remove “public use” proceedings, which are no longer held, and insert “derivation” proceedings; redesignate paragraph (b)(2) as paragraph (b)(3); and insert a new paragraph (b)(2), which defines practice before the Office in design patent matters.

The USPTO amends § 11.6 to redesignate paragraph (d) as paragraph (e), and insert a new paragraph (d) to clarify the parameters under which attorneys and agents may be registered as design patent practitioners.

The USPTO amends § 11.10(b) to require design patent practitioners to submit an oath or declaration under the same parameters as other registered practitioners.

The USPTO amends § 11.10(b) to restrict former employees of the USPTO from serving as design patent practitioners, commensurate with the restrictions placed on other registered practitioners.

The USPTO amends § 11.16(c) to clarify that only a practitioner registered under § 11.6(a) or (b) may serve as a Patent Faculty Clinic Supervisor in the USPTO Law School Clinic Certification Program.

The USPTO amends § 11.704 to state that a registered practitioner under § 11.6(a) who is an attorney may use the designation “Patents,” “Patent Attorney,” “Patent Lawyer,” “Registered Patent Attorney,” or a substantially similar designation; a registered practitioner under § 11.6(b) who is not an attorney may use the designation “Patents,” “Patent Agent,” “Registered Patent Agent,” or a substantially similar designation; a registered practitioner under § 11.6(d) who is an attorney may use the designation “Design Patent Attorney”; and a registered practitioner under § 11.6(d) who is not an attorney (i.e., who is an agent) may use the designation “Design Patent Agent.”

The USPTO amends § 41.106 by replacing the term “registered patent practitioner” with “registered practitioner.” This amendment is intended solely to conform the terminology of this section to that used elsewhere in part 41 and is not intended to alter the substantive scope of § 41.106. For avoidance of doubt, the USPTO clarifies that the term “registered practitioner,” as used in parts 41 and 42, and the term “USPTO patent practitioner,” as used in § 42.57, encompasses “design patent practitioners,” as defined in § 11.1.

Rulemaking Requirements

A. Regulatory Flexibility Act: For the reasons set forth in this rulemaking, the Senior Counsel for Regulatory and Legislative Affairs, Office of General Law, of the USPTO, has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b).

This rule amends the rules regarding the representation of others before the USPTO to create a separate design patent practitioner bar in which admitted design patent practitioners practice in design patent proceedings only. The creation of a design patent practitioner bar does not impact the ability of those already registered to practice in any patent matters, including design patent matters, before the USPTO. Furthermore, it does not impact the ability of applicants who meet the scientific and technical criteria as described in Categories A through C in the GRB, including qualifying for and passing the current registration exam and passing the moral character evaluation, to practice in any patent matters, including design patent matters, before the USPTO. The Office acknowledges that the creation of a design patent practitioner bar allows more practitioners to be recognized to practice before the USPTO, although they would be limited to design patent proceedings only. The Office considers these to be indirect impacts that are not considered to be costs for RFA purposes. The Office has not received any comments of data regarding the costs for RFA purposes. For the reasons discussed above, this rulemaking will not have a significant economic impact on a substantial number of small entities.

B. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of E.O. 12866 (Sept. 30, 1993), as amended by Executive Order 14094 (April 6, 2023).

C. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with E.O. 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with regulatory objectives; (3) selected a regulatory approach that maximizes net benefits;
and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a “major rule” as defined in 5 U.S.C. 804(2).

K. Unfunded Mandates Reform Act of 1995: The changes in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 et seq.

L. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 et seq.

M. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

N. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking involves information collection requirements that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The collections of information involved in this rulemaking have been reviewed and previously approved by OMB under OMB control numbers 0651–0012 (Application to Practice Before the USPTO) and 0651–0017 (Practitioner Conduct and Discipline). These information collections are updated alongside this final rulemaking, to reflect any updated forms included within these information collections. Any increased respondent and burden numbers associated with the introduction of the design patent practitioner bar options are included in that update.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information has a currently valid OMB control number.

O. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 11

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the USPTO amends 37 CFR parts 1, 11, and 41 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Amend §1.4 by revising paragraphs (d)(1) introductory text and (d)(2)(ii) to read as follows:

§1.4 Nature of correspondence and signature requirements.

(d)(1) Handwritten signature. A design patent practitioner must indicate their design patent practitioner status by
§ 11.6(d).

practitioner who is registered under

§ 11.6(d).

b. Revising the definitions of

other non-patent matters; before the Office in trademark matters or otherwise as provided by § 11.14(a) through (c), to practice before the Office in patent matters under § 11.6; (ii) Drafting an assignment or causing an assignment to be executed for the patent owner in contemplation of filing or prosecution of a patent application for the patent owner, where the practitioner represents the patent owner after a patent issues in a proceeding before the Office, and when drafting the assignment the practitioner does no more than replicate the terms of a previously existing oral or written obligation of assignment from one person or party to another person or party.

(2) Practice before the Office in design patent matters. (i) Practice before the Office in design patent matters includes, but is not limited to, preparing or prosecuting a design patent application; consulting with or giving advice to a client in contemplation of filing a design patent application or other document relating to a design patent application with the Office; drafting the specification or claim of a design patent application; drafting an amendment or reply to a communication from the Office that may require written argument to establish the patentability of a claimed design invention; drafting a reply to a communication from the Office regarding a design patent application; and drafting a communication for an interference, derivation, and/or reexamination proceeding, a petition, an appeal to or any other design patent proceeding before the Patent Trial and Appeal Board, or any other design patent proceeding.

(ii) Design patent registration to practice before the Office in design patent matters authorizes the performance of those services that are reasonably necessary and incident to the preparation and prosecution of design patent applications or other proceedings before the Office involving a design patent application or design patent in which the practitioner is authorized to participate. The services include:

(A) Considering the advisability of relying upon alternative forms of protection which may be available under State law, and

(B) Drafting an assignment or causing an assignment to be executed for the design patent owner in contemplation of filing or prosecution of a design patent application for the design patent owner, where the design patent practitioner represents the design patent owner after a design patent issues in a proceeding before the Office, and when drafting the assignment the design patent practitioner does no more than replicate the terms of a previously existing oral or
written obligation of assignment from one person or party to another person or party.

§ 11.16 Registration of attorneys and agents.

(d) Design patent practitioners. Any citizen of the United States who is an attorney who fulfills the requirements of this part may be registered as a design patent attorney to practice before the Office in design patent proceedings. Any citizen of the United States who is not an attorney, and who fulfills the requirements of this part may be registered as a design patent agent to practice before the Office in design patent proceedings.

§ 11.18 Oath and registration fee.

(b) An individual shall not be registered as an attorney under §11.6(a), registered as an agent under §11.6(b) or (c), registered as a design patent practitioner under §11.6(d), or granted limited recognition under §11.9(b) unless, within two years of the mailing date of a notice of passing the examination or of a waiver of the examination, the individual files with the OED Director a completed Data Sheet, an oath or declaration prescribed by the USPTO Director, and the registration fee set forth in §1.21(a)(2) of this subchapter. An individual seeking registration as an attorney under §11.6(a) must provide a certificate of good standing of the bar of the highest court of the State that is no more than six months old.

§ 11.10 Restrictions on practice in patent matters; former and current Office employees; government employees.

(b) To not knowingly act as an agent, attorney, or design patent practitioner for or otherwise represent any other person:

(1) To not knowingly act within two years after terminating employment by the Office as agent, attorney, or design patent practitioner for, or otherwise represent any other person:

10. Amend §11.16 by revising paragraph (c)(1)(i) to read as follows:

§ 11.16 Requirements for admission to the USPTO Law School Clinic Certification Program.

§ 11.704 Communication of fields of practice and specialization.

(b) A registered practitioner under §11.6(a) who is an attorney may use the designation “Patents,” “Patent Attorney,” “Patent Lawyer,” “Registered Patent Attorney,” or a substantially similar designation. A registered practitioner under §11.6(b) who is not an attorney may use the designation “Patents,” “Patent Agent,” “Registered Patent Agent,” or a substantially similar designation. A registered practitioner under §11.6(d) who is an attorney may use the designation “Design Patent Attorney.” A registered practitioner under §11.6(d) who is not an attorney may use the designation “Design Patent Agent.” Unless authorized by §11.14(b), a registered patent agent or design patent agent shall not hold themself out as being qualified or authorized to practice before the Office in trademark matters or before a court.

§ 41.106 Filing and service.

(f) * * *