



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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GENERAL COUNSEL

APR 14 2004

Mr. Robert J. Yarbrough  
Pennsylvania Intellectual Property  
Forum  
201 North Jackson Street  
Media, PA 19063

Re: Freedom of Information Act (FOIA) Request No. 04-137

Dear Mr. Yarbrough:

This is in response to your letter to Mr. Bernard J. Knight, Jr., regarding the Regulatory Flexibility Act. As part of this April 5, 2004, letter, an attempt is made to “expand” upon a previously-submitted FOIA request, herein referred to as FOIA 04-123. The letter also raises several issues that are unrelated to the Freedom of Information Act. This response addresses matters in the April 5 letter only to the extent that they pertain to FOIA requests. The response to your earlier FOIA request (FOIA 04-123) is forthcoming.

FOIA requestors are required to “reasonably describe” requested records. See 5 U.S.C. § 552(a)(3)(A) (2000). Some portions of the April 5 letter appear to reasonably describe records subject to the FOIA. Other portions of the letter, however, request records without reasonably describing them. For example, paragraph II(B)(3) of your letter requests documents that “relate to [Mr. Knight’s] assertion that the PTO acted in ‘good faith.’” Nearly any document concerning in any way either the four rulemakings referred to in your letter or the USPTO’s practices addressed in those rulemakings could be considered in some way to “relate” to Mr. Knight’s assertion. This paragraph does not therefore appear to reasonably describe the requested records.

Further, the format of your letter makes the request difficult to interpret. For example, paragraph I(A)(4) includes a definition of the term “documents,” but it is not clear whether that definition is intended to apply throughout the letter or only within paragraph I(A)(4).

In order that the agency may reasonably determine what records you seek, it is requested that you submit a separate, concise FOIA request. This FOIA request should describe all records with as much specificity as possible, and be preferably devoid of matters not related to the purpose of the FOIA.

If we do not receive a clarification of the by May 14, 2004, your request will be closed and considered withdrawn.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Fawcett', with a long horizontal line extending to the right.

Robert Fawcett  
Paralegal Specialist