I would like to propose the following topic for a quality case study:
Assignment of new patent applications to proper examining groups

If a patent application is misclassified, and therefore assigned to an incorrect examining group, then the likelihood is high that the Examiner performing the examination is less familiar with the relevant technology. Moreover, the system drastically discourages re-assignment to the correct examining group. There is no formal procedure to accomplish this, and even where the initial Examiner agrees that an application does not belong in her group, she would have to spend a formidable amount of non-creditable time determining the correct group and convincing an Examiner in that group to accept the re-assignment. I understand this is a completely undocumented process.

The problem of incorrect assignment seems to occur most commonly in CIP and Divisional applications. In my experience the PTO routinely assigns such cases back to the same Examiner that handled the parent application, without any consideration of the actual subject matter of the new application. The PTO may do this for reasons of perceived efficiency, but at least in my experience, the result is a poor examination and a resulting poor patent quality. It would be good if the PTO could study this situation for improved patent quality.

Thank you
Warren S. Wolfeld
Reg. No. 31,454