

From: Mike Mazarick
Sent: Tuesday, April 12, 2016 11:52 AM
To: QualityMetrics2017
Subject: More ideas

While I'm waiting here are some additional ideas. It took me much less time to get set up, but there is more time available to "fiddle with the controls" for this meeting.

Some things are better if confirmed externally. The overall value of patents is among them. This is based on a lot of things that USPTO can't control, such as the results of litigation, the value of innovation in the US, etc.

Comparing these results of the USPTO with other patent offices would provide a basic metric if we are continuing to lead the world in innovation or not. The value of innovation is proportional to the litigation value in the courtroom.

A comparison about how many patents are controlled by Non Practicing Entities (aka Trolls) compared to practicing entities would give an indication of the efficiency of litigation because, although it cannot be eliminated, it can be made more efficient. There are two sides to patents. Its value is not what it costs claimants (it should be affordable), but what it costs infringers (it should not be affordable). This will give a particular patent some "teeth".

Finally, some result should come out of the PCT and PPH treaties. It is up to the US to be a shining light that the rest of the world is striving to achieve, and we should help those who are trying to achieve it and let the chips fall where they may for the balance of nations. I believe our Constitution and patent laws that were derived from it are God given or ordained. It did not come about quickly or easily, and improvements cannot come about quickly or easily either.

Providing some mechanism for changing the structure of our metrics that is based on the results of other countries would mean that we will continue to be the best and will learn and adapt where we aren't so that we can be.