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September 28, 2001

VIA EMAIL to:ronald.hack@uspto.gov

Under Secretary of Commerce for Intellectual  
Property and Director of the United States  
Patent and Trademark Office  
Washington, DC 20231

Attention: Ronald Hack, Acting Chief Information Officer

Re: Docket No. 010126025-1025-01  
RIN 0651-AB34  
Notice of Request for Comments on  
Development of a Plan to Remove the Patent and  
Trademark Classified Paper Files from the Public  
Search Facilities

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Dear Mr. Hack:

This letter is for purposes of comment on the proposal to eliminate the paper files from the Public Search Facilities at the United States Patent and Trademark Office.

By way of background, I am a registered patent attorney in private practice in the Washington, D.C. area. Our office routinely conducts patent searches on behalf of our clients as part of our patentability, infringement and validity investigations. Our experience concerning these matters leads us to several conclusions regarding the patent files at the U.S. Patent and Trademark Office.

First, the electronic records presently in use at the Search Room for issued patents and maintenance fees status, are replete with errors. These errors appear to be due to the technology used by the Patent Office to scan the documents. Accordingly, the paper copies must be considered the *only* accurate records of the patents. If no accurate patent copies are available, then Applicants must be forced to make decisions based upon inaccurate data.

Ronald Hack  
September 28, 2001  
Page - 2 -

As a result, this will necessarily increase the costs for preparing applications and funds which may otherwise be used for venture capital must be expended due to problems caused by the misinformation disseminated by the U.S. Patent Office.

The Patent Office must therefore maintain paper files until such time as it is proven that the electronic records are as accurate as the paper records.

In view of the above, we would therefore appreciate your *comments* on any studies that you have conducted or will conduct to ensure the proposed sole reliance on electronic records will be at least as accurate as the paper records. We would also like to know when you believe the electronic database will be as accurate as the paper files. Also address how the Patent Office can legally dispose of paper files when the counterpart electronic databases are significantly less than one hundred percent accurate equivalents to the paper files. Further comment on the appropriateness of reducing the accuracy of an existing publically available system (i.e. The Public Search Facility) that is vital to economic and technological health of the United States.

Thank you for your consideration of the above and we look forward to receiving your reply.

Do not hesitate to contact us should you have any questions regarding the above, prior to formally responding during the extended comment period.

Very truly yours,

Michael M. Zadrozny /s/  
SHLESINGER, ARKWRIGHT & GARVEY LLP

TLBB/sb