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Subject: PTO Proposals For Misc. Amendments To The Rules

The numerous extensive proposals as published in the PTCJ, Volume 52, No. 1295, September 26, 1996 will require substantial study, thus those effected, such as the public, patent attorneys, and others need more time for study than the PTO November 22, 1996 proposed deadline for comments. Moreover, the continued PTO focus on revisions of the rules without first fully considering and attempting to resolve many major PTO problems is misplaced. Also, Patent Attorneys and members of the Public effected should be members of any team that is considering changes to the Rules.

A brief review of the PTO proposals indicates that in a number of instances the proposals simplify and reduce PTO efforts and paper work, while increasing applicants efforts, paper work, and costs. I would like to suggest more focus on improved training for new Examiners, that is less than 5 years with the PTO; better Examiner monitoring; the proper Examiner technical background; the full timely investigation of complaints against Examiners; Examiners need to function less as an adversary and more as an aid to applicants; the Examiners need direction and need to relax their views, especially for lengthy chemical 112 rejections, the submission of more than two Official actions, citation of new prior art in the Examiner's reply to an appeal brief, allowing applications after the appeal brief is filed; and the PTO and Examiners must treat applicants as customers. Comments by some Examiners with Master degrees, and PhD's indicate that they are of the view that nothing is patentable, and these Examiners unnecessarily consume substantial time of applicants and significantly discourage inventors. The substantial PTO delays in deciding appeals, up to four years in chemical cases, needs to be addressed, and the percentage of appeals (about 70 percent) decided against Appellants, in full or in part is much too high and the PTO Board process and makeup needs to be considered in depth, and revised. Petitions to the Commissioner need to be reviewed and acted upon promptly and not placed in the file with no action. Status inquires need to be timely and fully responded to by a qualified Examiner and not by clerks with a form letter.

Examiners must permit more person- to- person interviews, and at least telephone interviews, and Examiners must review all the claims and indicate those claims that are allowable and those that are not. The barriers, especially the substantial prosecution barriers between the PTO and applicants need to be reviewed and eliminated or minimized.