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From: vulpine@mac.com
Sent: 12/10/2009 06:20:12 PM
To: USPTO Info <usptoInfo@uspto.gov>
Subject: Patents

From: David W. Fields258 Mike DriveElkton, MD 21921
Re: DEPARTMENT OF COMMERCEPatent and Trademark Office [Docket No.: PTO-P-2009-0054]Request for Comments on Enhancement in the Quality of Patents

In your request for comment, I would like to suggest a very simple method of testing the patentability of a product, device, software or process: Do not accept an application unless the applicant can provide a working copy of the item being submitted. Whatever the submission may be, the USPTO should be able to instantly verify the functionality by personal demonstration of the applicant, after which the USPTO can perform checks on prior art based on observed functionality rather than upon theory and projection of "obvious progression from established patents." Any submission that does not include a functional model should be considered for Copyright rather than Patent until such time as a working model can be demonstrated.

I also believe that all prior patents issued in the past 25 years with respect to electronic and computing devices and software should be especially reviewed due to misuse by so-called 'Patent Trolls' who attempt to defraud legitimate designers and manufacturers on new products after the fact.

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