

**Responses To Questions Concerning
United States Patent and Trademark Office Solicitation:
DOC52PAPT1100013**

<i>Question</i>	<i>Answer</i>
<p>1. Please confirm that the header stating "Draft Request for Proposal (RFP)..." is a typographical error and that this is, indeed, the final RFP. (General)</p>	<p style="text-align: center;">The Solicitation is a draft. See L.5, A final RFP will be posted along with the responses to questions. The Final RFP will reflect this change.</p>
<p>2. Workload estimates appear to be consistent for all CLINS for all Option periods except CLIN 1 starting in Option Period 4. It appears the Est. and Max. numbers have been reversed. Is this an error? (Section B, Table B.6, B.7,B.8, B.9,B.10, and B.11)</p>	<p style="text-align: center;">Yes, this is a typographical error. The Est. and Max. numbers for CLIN 1 should be switched starting in Option Period 4. The Final RFP will reflect this change.</p>
<p>3. The RFP outlines the acceptance criteria that will be used for quality determination and makes it clear that the United States Patent and Trademark Office (USPTO) will be the final authority in determining whether an error will be assessed. However, the RFP is silent on how and when this criterion will be applied. For example:</p> <p>a. If the vendor believes a misunderstanding has resulted in the USPTO assessing an error, will the vendor have an opportunity to defend their work prior to final error determination by USPTO?</p> <p>b. What method will be used by USPTO to select applications for quality assessments?</p> <p>c. Will the defined period for scoring quality be monthly?</p> <p>d. Once the assumed monthly scoring is finalized will the vendor no longer be held responsible for any errors later identified by USPTO?</p> <p>(E.2 <u>Acceptance Criteria</u> Page 30)</p>	<p>a. the vendor will be given a single opportunity to rebut a USPTO held error.</p> <p>b. the USPTO will select from 100% to a random sampling of applications for quality review. The number of applications may vary by technology, i.e. technical field. Additionally, the available USPTO resources and recent and cumulative quality results will factor into the sampling size.</p> <p>c. the period for evaluation performance will be yearly. The final RFP will reflect this change. See Section E.3.</p> <p>d. the vendor will be held to the contractual compliance rates throughout the duration of the contract.</p>
<p>4. In regards to award term conversion eligibility, do we correctly interpret that the quality criteria applied in section E.2 for the period of performance will be calculated to reflect an annual error rate? (H20 <u>Optional Award Term</u> Page 20)</p>	<p style="text-align: center;">Yes.</p>

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<p>5. Regarding sequence searches:</p> <p>Does the offeror's 30-day clock stop when the contractor requests USPTO to conduct a sequence search?</p> <p>(C.4.4.2. Preparing the International Search Report, Search Functions, Page 22)</p>	Yes.
<p>6. Regarding sequence searches:</p> <p>Is there a committed timeline for the USPTO sequence search?</p> <p>(C.4.4.2. <u>Preparing the International Search Report, Search Functions</u>, Page 22)</p>	No.
<p>7. Can offerors assume that the optional quality incentive plan is excluded from the total page count of 35 Pages?</p> <p>(L.3.1(7) <u>Quality Assurance Plan (Factor A)</u>)</p>	Yes.
<p>8. The tables of Section B of the RFP identify an "Extended Price". What is the intended meaning of this Extended Price and is an Extended Price requested to be part of the Price Proposal? (Section B)</p>	The Extended price is the same as the unit price for the purposes of this solicitation or 1 Unit.
<p>9. Is it possible to get a copy of the proposal and contract documents for contract numbers DOC50PAPT0601025 and DOC50PAPT0601026? If so, please identify which documents can be obtained and where they may be accessed.</p>	<p>You may request this information from the USPTO FOIA Service Center Copy and Paste the following link for instructions. http://www.uspto.gov/ip/boards/foia_rr/submit.jsp</p>
<p>10. a. Regarding the requirement to search the minimum documentation specified in PCT Rule 34 as required by Section C.4.4.2, does the USPTO WEST System (to which access will be provided) include the ability to search all of the minimum documentation required by PCT Rule 34?</p> <p>b. If not, will access to other USPTO systems be provided that will include all of the minimum documentation required by PCT Rule 34?</p> <p>(Section C.4.4.2)</p>	<p>a. No, the public version of WEST, i.e. Pub WEST, does not have/include access to all of the minimum documentation required by PCT Rule 34. Pub WEST includes all US Patents and published US patent applications and some limited foreign abstract databases.</p> <p>b. The USPTO will not be providing the search tools to include all of the minimum documentation required by PCT Rule 34.</p>

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<p>11. Please confirm that the Contracting Officer's decision regarding conversion of any Award Term is independent of decisions made regarding conversion of earlier Award Terms; for example, conversion of Award Term 4 could, theoretically, be the only Award Term converted to an Option Period.</p> <p>(RFP Section H.20, Optional Award Term(s))</p>	<p>Award Terms are independent of each other. Based on the yearly evaluation of the performance period in question an award term will either be converted or eliminated.</p>
<p>12. Please confirm that total evaluated price will include the base year, Option Years 1-4 and Optional Award Terms 1-5, for a total of 10 years.</p> <p>(RFP Section M.3, Evaluation of Options (s))</p>	<p>Yes, this is confirmed.</p>
<p>13. Will reciprocity for background investigations be accepted?</p> <p>If so, at what level?</p>	<p>No.</p>
<p>14. The conflict of interest section (c) Representations and Disclosures is overly broad. In today's world workers hold mutual funds (either directly or in their 401(k)) that may include the stock of companies that have submitted patent applications for review.</p> <p>a. Will the government consider modifying this section to exclude stocks held in mutual funds or retirement accounts, trusts, etc., and, provide that for ownership of a given stock in an investment trading account, the reviewer will be able to conduct a review unless the reviewer of the application of a company owns an amount of stock valued in excess of \$X in such company.</p> <p>b. Finally, it would be very difficult to exclude a reviewer from reviewing "competitors" of a company – as the idea of a competitor is not defined in this section. Given that different industries compete with one another (cable providers compete with ISP and Satellite companies for example), would the government consider modifying this section to include a specific definition of what is considered a competitor?</p>	<p>a. Holdings in broadly-diversified mutual funds do not trigger a disqualification; however, investments in a sector-specific fund do impose a disqualification requirement.</p> <p>b. Competitor is defined as any company that manufactures or markets devices or processes similar to those that are the subject of the application.</p>