Hello, in response to the following question:

"1. Should the USPTO institute a plan to identify patent applications relating to critical technologies or technologies important to the United States economy to be placed under secrecy orders?"

My answer to this is: No.

Reasons:

(1) This will delay patent applications even longer than they are already delayed.

(2) The US military has no competency at or legitimate authority deciding what is of economic importance to American businessmen.

(3) Secret patent applications ruin the entire purpose and intent of the patent process. The word "patent" means "open" in Latin. Secret patents prevent parties with a legitimate interest in opposing a patent from doing so.

(4) The problem of competitors producing designs based on patent applications and being able to exploit those designs is purely a side effect of the long delay in granting patents. Trying to solve this by making patents secret is not an answer, only an evasion of the central problem: unacceptably slow patent review in the US.

(5) ALL patents are thought to be economically important by the inventor, otherwise they would not apply for the patent. This proposal is therefore akin to making ALL patent applications secret.

(6) There is absolutely no way for anyone to know the "economic importance" of a given patent application ahead of time. Any attempt to decide this would be completely arbitrary, time consuming, probably biased towards influential applicants (ie large military contractors), and manifestly unjust to small businesses who would be unable to oppose overly broad, secret patents created by large corporations.

The current state of international patent law is already in a condition where it is harming the global economy, and helping only moribund, inefficient businesses protect unearned profits. This proposed change would only hasten this unfortunate trend and further stifle innovation and global free enterprise.

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