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April 24, 2014

VIA EMAIL:
AC90.comments@uspto.gov

Mr. James Engel
Senior Legal Advisor, Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy
United States Patent Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Toyota Motor Corporation's Comments on
Changes To Require Identification of Attributable Owner

Dear Mr. Engel:

Initially, Toyota wishes to thank the U.S. Patent Office for the opportunity to present its views on the proposed Changes to Require Identification of Attributable Owner, as published in the Federal Register (Vol. 79, No. 16) on January 24, 2014 ("Notice").

By way of background, Toyota Motor Corporation ("Toyota") is one of the largest automobile manufacturers in the world, with the U.S. being one of its largest markets. Toyota has numerous facilities in the U.S., including research and development (R&D) facilities directed to various automotive and energy technologies. As a result of its R&D efforts in the U.S. and abroad, Toyota was awarded over 1,000 U.S. patents in 2013 for its innovations. Accordingly, Toyota has a significant interest in the U.S. Patent Office's proposed changes concerning the collection of attributable owner information both from the standpoint of a manufacturer of products in the U.S., as well as a holder of U.S. patents.

Toyota supports the general concept of transparency in the prosecution and enforcement of patent rights. Nevertheless, after careful consideration of the proposed rules set forth in the Notice requiring identification of the attributable owner, Toyota opposes the proposed rules for the reasons set forth below.

The proposed Section 1.271 of the Notice sets forth various definitions of the entity or entities that are covered by "attributable owner". Toyota particularly objects to the proposed definition of the "ultimate parent entity". It is Toyota's view that the proposed definition of "ultimate parent entity" is burdensome and impractical as it relies, *inter alia*, on the ability to understand and apply such imprecise legal concepts as "control". Even if the definition of



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"ultimate parent entity" could be understood, ascertaining the ultimate parent entity can often be a difficult and complex process. Given the severe penalties imposed in proposed Section 1.279 for failure to notify the Office of the attributable owner, or a change to the attributable owner, considerable resources will need to be expended in order to ensure proper compliance with the proposed rules. This will necessarily increase the costs to applicants and patentees, and will be particularly burdensome for those patent holders who manage large portfolios.

Accordingly, it is Toyota's view that any benefit that might be attributable to the proposed rules would be outweighed by the significant burden attendant with proper compliance with these rules.

Very truly yours,

William H. Mandir

On Behalf of Toyota Motor Corporation