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To: SoftwareRoundtable2013

Cc: Rao, Seema; Colleen Chien; Lee, Michelle K.

Subject: Docket No.: PTO-P-2013-0064: Request for Comments Regarding Prior Art Resources for Use in the Examination of Software-Related Patent Applications

Docket No.: PTO-P-2013-0064

To Whom It May Concern:

I represent Think Computer Corporation and Think Computer Foundation (a 501(c)3 non-profit organization), the joint operators of PlainSite (www.plainsite.org). PlainSite is a hybrid for-profit/non-profit initiative that seeks to put the law in plain sight for the general public. On the for-profit side, PlainSite offers paid subscription services to legal professionals that focus on providing analytical data. On the non-profit side, PlainSite makes over 70GB of public information available on-line for free in a manner that is easy to understand. I am writing to encourage the USPTO to take advantage of PlainSite as a resource that is increasingly focused on bringing transparency to matters related to intellectual property.

In 2012, PlainSite began examining the intellectual property landscape when it was the first web site to publish a publicly-available list of the shell companies of Intellectual Ventures, which number about 2,500. (That list is available at <http://www.plainsite.org/tags/index.html?id=640>.) Since then, we have added considerable additional functionality directly related to the USPTO. PlainSite presently features:

- **Enhanced versions of the USPTO patent and trademark assignment databases**, updated nightly from USPTO bulk data. The PlainSite versions of each database correct over 100,000 typographical errors in party, attorney and law firm names, and cross-link attorneys, law firms, corporations, government agencies and inventors with their profiles on PlainSite.

- **Enhanced versions of TTAB dockets**, updated nightly from USPTO bulk data.

See <http://www.plainsite.org/courts/index.html?id=209>.

- **Integrated profiles of 2.5+ million patent applications**, updated on a rolling basis as we obtain additional PAIR data. See <http://www.plainsite.org/courts/index.html?id=254>. Note that instead of forcing users to access different databases with different acronyms on different web sites, PlainSite brings all of its resources related to a single application into one easy-to-use interface. We have presently parsed applications through the 100/ prefix.

- **Public profiles** of every patent examiner since roughly the 1970s. Additional functionality, such as detailed analysis of an examiner's history, will soon be available for paid subscribers.

- **Patent troll profiles** of entities that have been tagged with the "Patent Troll" tag by a user of PlainSite. See <http://www.plainsite.org/tags/index.html?id=635>.

The biggest problem with prior art search at the present time is that it is far too difficult for members of the public to submit prior art to the USPTO. The software community would be thrilled to provide prior art to the USPTO—but despite it being full of technical experts and

engineers, it is quite telling that most of them still cannot figure out the process to do so at present. Drawing up a declaration in the proper format to conform with the CFR's requirements is all but impossible for anyone who is not a patent lawyer. The USPTO should solve this problem by taking the following approaches:

1. Ending the practice of forced TIFF conversion. Presently every document filed in the Image File Wrapper is stored as a bitmapped TIFF file, wrapped in a PDF file. This practice is unbelievably counterproductive and must stop. Not only does this make some single patent applications gigabytes in size (which prohibits even the most interested users from downloading them)—it also eliminates the ability to easily search text! If you want examiners to find prior art, they need to be able to search for key phrases. Due to this technical quirk, the USPTO shoots itself in both feet every time a document in a patent application is filed—which is thousands of times per day.

2. Revamping the user interface of its web site(s) to allow for streamlined submission of prior art. This would include an upgrade to the Public PAIR system in particular, which is woefully inadequate in its present state. All pending published patent applications should have static URLs where they can be accessed (as is the case on PlainSite), as well as a button to submit prior art to the examiner with one click, and a clear graphical indication of the patent application's stage (prior to rejection, post-rejection, post-RCE, granted, etc.). The prior art submission process should do the work of conforming to the CFR's requirements for the user.

3. Encouraging examiners to rely on web sites frequented by the technology community. Hacker News (<http://news.ycombinator.com>) and Quora (<http://www.quora.com>) are two examples, but the list may change over time. Google Scholar (<http://scholar.google.com>) is of course also a useful resource.

4. Elimination of fillable PDF forms. IDS filings should be possible through an automated web-based interface, preferably one that does not require the USPTO's abominable Java applet, which crashes frequently, to sign in.

5. Mandatory use of tags. Examiners should tag patent applications on PlainSite and/or similar sites with phrases they find relevant, building an ontology over time. This will aid future prior art searches. See US 20130218835 for more suggestions regarding how tags might be useful.

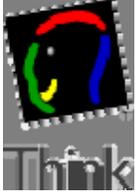
6. Standardized printed reports. Generally, every report filed in the Image File Wrapper is horrendously (and often differently) formatted. The EAST system printouts that are presently embedded in patent applications as evidence of searches are no exception; they are too difficult to read for average users. A more straightforward search report would be very helpful.

7. Make bulk PTAB data available. Presently there is no source for bulk PTAB data.

PlainSite is effectively a universal docketing system that can be adapted to the needs of any government body. It already stores millions of dockets for state and federal courts on the Superior, District, Appellate and Supreme levels, as well as millions of USPTO dockets. To the extent that the USPTO might be interested in adopting PlainSite's functionality for official purposes, which would save immensely on costs and development time, we would be happy to start a dialog.

Please feel free to contact me by e-mail or by phone at +1 415 670 9350 with any questions regarding the above.

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