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Patent
&
Trademark Law

March 3, 2014

Mail Stop Comments - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attn: Seema Rao, Director
Technology Center 2100

Good Morning:

I am responding to the Request for Comments Regarding Prior Art Resources for Use in the Examination of Software-Related Patent Applications published January 6, 2014 (PTO-P-2013-0064).

Some of the most pertinent software prior art is found in NPL documents that have been filed in applications (and re-exams, reissues, etc.) that seek to cover similar types of software inventions. The prior art cited in NPL documents can be particularly pertinent where a patent applicant is asserting its already issued related patents in litigation, and the applicant files in its pending application an IDS with copies of NPL documents on which the defendants in the litigation base their invalidity contentions.

Often anticipatory prior art can be found buried in a mountain of data that the patent applicant has filed in connection with the pending application. It is also not uncommon for the Examiner to miss this anticipatory prior art because it is buried among so many other documents.

The Patent Office currently makes it difficult for persons working externally to access and search NPL documents in PAIR. Making such documents available online to all Examiners and the public, and having the contents of such NPL documents be readily searchable would improve search capabilities and ultimately result in better patent quality.

Very truly yours,

A handwritten signature in black ink, appearing to be "R. Jocke".

Ralph E. Jocke

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