

PUBLIC SUBMISSION

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Request for Comments on Enhancing Patent Quality

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Patent Quality Enhancements; Meeting

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Submitter Information

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General Comment

I think the proposed enhancements highlight some of the challenges faced by both patentees and examiners during the 18 month application process. Once an application is written and sent to the PTO, there is a great deal of back and forth between inventor/agent and examiner as to the quality of the application. An examiner must fully assess the prior art landscape and perform a great deal of due diligence in ensuring that the proposed patent is of high quality and deserving protection. In order to do so, an examiner must be well trained and striving to meet the objectives set forth by the PTO. The enhanced quality procedures seem to propose some needed changes to prosecution, examiner education and qualification, and access to technology. There are a few parts of the proposed rules to be highlighted. First, many applicants would be in support of the optional additional response (requiring payment) before a final rejection is issued. This would give an applicant an additional opportunity to make amendments or set forth arguments before the appeal process. Second, in-person interviews would also be extremely beneficial and worthwhile for the applicants outside of Alexandria, Virginia. This would foster an opportunity for an examiner to interact with the applicant face to face. Finally, the idea of a pre-examination search to get the prior art out in the open as soon as possible would be an efficient use of time, money, and resources. It would also decrease delay and back and forth between examiner and applicant. The sooner an examiner can begin substantive examination, the more efficient the system becomes in ensuring quality patents.