

From: Ralph D. Clifford
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Subject: Improving Patent Quality

1. The training and quality of the patent bar has a direct impact on the quality of patents as its members are responsible for drafting the documents that ultimately are issued by the PTO. Unfortunately, the membership of the patent bar does not match the technologies being patented. See *A Statistical Analysis of the Patent Bar: Where Are the Software-Savvy Patent Attorneys?*, 11 N.C. J.L. & Tech. 223 (2010), available at, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1626348. The technical requirements for bar membership should be amended to encourage more attorneys and agents with modern skills to become patent eligible.

2. The patent bar must be required to assist the PTO in doing its job. Currently, there is a limited requirement that a patent agent or attorney disclose information to the PTO, but only if they have that information. There is no requirement that the agent or attorney become informed. See *Is it Time for a Rule 11 for the Patent Bar?*, 53 IDEA 351 (2013), available at, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2292195. Agents and attorneys should be required to become reasonably informed about an invention being submitted for patent, specifically including a requirement to do a reasonable investigation into the prior art.

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