

**From:** Tom Franklin [email redacted]

**Sent:** Thursday, May 07, 2015 1:39 AM

**To:** WorldClassPatentQuality

**Subject:** Patent-Quality Comment: In-Person Interview Capability with All Examiners - Close Down TEAPP Pilot

To Whom It May Concern:

Thank you for accepting comments as part of your Quality Initiative. Please see the attached comment.

This particular comment specifically corresponds proposal 6: In-Person Interview Capability with All Examiners.

Please let me know if you have any questions.

Yours,

Thomas D. Franklin

## In-Person Interview Capability with All Examiners

Submitted to: WorldClassPatentQuality@uspto.gov

May 6, 2015

The ability to meet with your decision maker when seeking to procure or protect your property (i.e., a patent grant) is a cornerstone of procedural due process guaranteed by the Constitution. As the examining corps is allowed and perhaps encouraged to work from home, that ability to meet face-to-face with the individual examining your application has become illusive. Under the **Telework Enhancement Act Pilot Program (TEAPP)**, Examiners are not required to come to the office or meet with their customers. The author believes this is wholly unacceptable.

The original move to teleworking was driven by the inability to hire and retain examiners in the D.C. area. A decade ago, with an ever increasing examination backlog the single-office and applicant pool, attrition was huge despite large inflow into the examining corps. To remedy this, the author previously pushed to have satellite offices opened across the country to allow recruiting and retaining the brightest and best examiners from multiple applicant pools. Today that vision of a nationwide workforce has been achieved with offices opened or slated to open in Detroit, Denver, Dallas, and San Jose in addition to the main campus in Alexandria. These five offices are distributed across the time zones and regions of our country to allow any Examiner to work at a patent office that is geographically and culturally close to their preferences.

An alternative to the multi-office approach has been the TEAPP hoteling program. This pilot program should be shut down in the opinion of the author as the problem is solved with the multiple offices and perhaps even more across the country. A “pilot” program by its very nature is meant to be an experiment. Should a pilot be successful, it might be made permanent. Here, the pilot has provided useful data on its failure and should be closed. Examiners are inaccessible to their customers today, the virtual telepresence equipment commonly has problems in its frequent use by myself. Others have expressed similar frustration. As the Examiners have less exposure to a physical office, quality has suffered and led to a general lack of engagement with customer innovators.

Although the TEAPP program should be shut down, the author is not against all teleworking. Examiners having high customer service and substantive quality should be given the privilege of working from home so long as they can be accessed in-person at one of the five patent offices at the request of an applicant for an in-person interview. With the geographic spread of the five offices, an occasional trip to the office would not be inconvenient for Examiners in the neighboring communities that provide ample housing price points and quality-of-life options.

The best examiners have been found to work reasonably even if remote from the office. Conversely, the worst examiners have exhibited surliness toward engagement with applicants. They use the TEAPP program as an excuse hide away from meaningful engagement with their customers. There is no way currently for the Office to quantify the amount of interviews by phone, video conference or in-person that are being denied to applicants. Production being the only measure of quality results in inaccessible examiners producing uninspired examination can be very successful professionally at the Office. The hoteling program without the ability to meet in-person exacerbates the issue.

Please learn from the TEAPP Pilot’s failure and shut-it down. Examiners who, under the pilot program, have moved far away from any office should simply move back or suffer from travel inconvenience.

Given the infrequent requests for in-person interviewing, a long commute to an office is more than offset by the lack of a daily commute and the expense involved in the Beltway, for example. The author would not be against the Office assisting in moving expenses for the less than a thousand Examiners that are believed to be affected if the TEAPP pilot were wound-down.

The patent system is the “carrot of capitalism” at the very heart of what makes this Country great. As we move into the information age and knowledge economy, patents will play an even more important role as the currency of this new economy. To not provide innovators access to decision makers is not acceptable customer service. The Office must provide a way for Examiners to meet in-person with innovators. Livelihoods, jobs and companies may have their entire future hinge on the outcome of a patent deliberation. To not allow sincere engagement during this process with the most engaged Examiners is not acceptable. The TEAPP pilot is a failure and not necessary with five patent offices. Please shut it down and bring the Examining corps back to the Offices, at least on occasion, to provide the most sincere Examination to our innovators.

Thank you for your consideration.

Author: Thomas Franklin

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