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From:[email redacted]

Sent: Wednesday, May 06, 2015 7:30 AM

To: WorldClassPatentQuality

Cc:[email redacted]

Subject: Professor Fryer Request - Enhancing Patent Quality Program

Manager -- Enhancing Patent Quality Program

Subject: Enhancing USPTO Design Patent Drawing Printing Quality

My request is attached as a WordPerfect 6X document. If you need it in a Microsoft Word form, let me know.

I have pasted in the text below in case that format is useful.

Thank you for considering my request.

Bill Fryer

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ENHANCING USPTO DESIGN PATENT DRAWING PRINTING QUALITY

COMMENTS REQUESTED BY THE U. S. PATENT AND TRADEMARK OFFICE,

FEDERAL REGISTER vol.80, , No. 24, PAGES 6475-6481, Feb.5, 2015.

SUBMITTED VIA E-MAIL TO:WorldClassPatentQuality[at]uspto.gov,  
on MAY 6,  
2015

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SUMMARY: These comments are directed to a PROBLEM: the current lack of clarity of some USPTO printed design patent drawings. It is respectfully requested that this problem needs to be resolved as a part of the Enhancing Patent Quality Program.

## I. BACKGROUND

This request fits under Proposal Pillar 1: Clarity of Record. In addition or as an alternative, it can be considered as a new proposal, related to the USPTO printing of design patent drawings. The request for comments to enhance patent quality is not limited to utility patents. Design patent drawing quality improvement is within the scope of the USPTO request for comments.

On May 13, 2015, the USPTO will begin the acceptance of applications under Hague Agreement Concerning the International Registration of Industrial Designs (Hague Agreement). The Hague Agreement for design protection will likely increase the number of U. S. protected designs and bring more attention to this problem. It is important that the USPTO patent drawing have the printing quality needed to interpret the protection scope.

This subject has been discussed with several USPTO staff, including management, and while there is agreement a problem exists, there has not been a follow review involving users to analyze the problem and recommend solutions. The American Intellectual Property Law Association (AIPLA) Industrial Design Committee leadership and others have researched this problem and discussed it with USPTO staff during the last several years..

The Enhancing Patent Quality program is a perfect place to start this review, identify the problem more precisely and look at solutions. This program provides the leadership and focus needed.

## II. PROBLEM

It is well understood that in U. S. design patent practice the claim for the design is essentially the drawing, with some minimum required

written description of the drawing. The drawing lines may be solid, broken shading, or other approved forms of drawing representations. The examiner approves the drawing clarity and the USPTO prints the design patent drawings. The PROBLEM is that the USPTO printed design patent drawing is not as clear as the original drawings. Some features on the USPTO printed patent may be hard to evaluate.

This problem may require a person who is reviewing the design patent to order from the USPTO a copy of the original drawing from the file wrapper and request a quality that can be clearly read. Also, it may cause unnecessary confusion and expensive time in legal analysis and litigation.

I will not go further into the technical issues that are part of this problem, for they are well know to those who use a computer. Clear printing can be obtained without extreme costs, with the quality original drawings required by the USPTO.

While there may have been some improvement in design patent printed quality, the problem should be addressed fully, to achieve the quality that allows the design patent system to function more effectively.

### III. REQUEST

My view of this problem is clear. Some of the USPTO printed design patent drawings are creating problems for its customers. It is technically workable to print clearer drawings. I request that the USPTO set up a project on this problem and develop a solution that will

meet the needs of its customers. I suggest users should be involved in this review.

If you would like my help on this project, please, let me know. I expect the AIPLA Industrial Design Committee can provide you with some helpful information. Thank you for considering my request.

Respectfully submitted,

William T. Fryer III