

From: John Gorecki
Sent: Thursday, February 05, 2015 5:11 PM
To: WorldClassPatentQuality
Subject: comments on pre-application processing

I don't know if this is relevant to the most recent announcement of patent quality, and if not please pass this information on to someone at the USPTO who might benefit from this feedback. My comments are directed to what is perceived as an inconsistent manner that applications are processed when they first arrive at the USPTO.

As an example, I filed the same specification four times to pursue four separate sets of claims. I acknowledge that there was a minor mistake in the application – the description of the figures in the specification referenced FIG. 3 whereas the figures included FIGS. 3A and 3B but no “Fig. 3”. I have no problem with correcting this error.

However, so far I have received a filing receipt and notice to file corrected application papers in 3 of the 4 applications. And, in each application the notice to file corrected application papers is different:

- 14/598,862 – substitute specification required because line spacing inadequate and because Fig. 3 omitted from the application (note – drawings not objected to in this application – replacement drawings were not required).
- 14/598,803 – substitute specification required because the specification does not describe Figs. 3A and 3B. Replacement drawings required because drawings as submitted are not in compliance with 37 CFR 1.74 because they don't match the detailed description of the drawings. (Note – specification not objected to for having single spacing)
- 14/598,919 – replacement drawings required because drawings as submitted are not in compliance with 37 CFR 1.74 because they don't match the detailed description of the drawings. (Note – substitute specification not required for not referencing Figs. 3A and 3B, and specification not objected to for having single spacing).

In my view it would be helpful for applicants to have more consistent application of the rules. The fact that three separate notices may be generated based on three individuals' review of the identical set of documents increases the costs for applicants seeking to interact with the USPTO.

Also – although the person reviewing the application signs the notice, there is no way to get in contact with that individual. It would be helpful for a Notice to File Corrected Application Papers to include contact information such as a telephone number for the person who reviewed the application, so that applicants could call to request clarification if it is unclear from the notice how to best respond.

Thank you for your consideration.

Regards, John

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