

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

Overall, I think the USPTOs continued efforts in enhancing patent quality are well founded. I would like to comment specifically on a few of the proposed provisions, found in the six proposals for enhanced patent quality.

First, I would like to focus on two positive aspects of the proposed rule. The automated pre-examination search will likely save Examiners significant time to take care of other matters. It is well known that Examiners in the USPTO are worked very hard and this could alleviate a significant portion of their burden. Even though in most cases the automated search would not locate all of the prior art, it may give the Examiners a better jumping off point or give him more time to find art that is more applicable. While the automated searches may not be perfect, computers and their algorithms will only get better and this will become more effective over time. Next, I think that the ability to send the Examiners some form of response or potential amendment, and to receive some feedback, before submitting an official response (which will receive a final-rejection) is an excellent idea. As a patent agent who deals with Examiners often, it is very difficult to only have two chances to argue your case without hearing Examiners ideas. Although interviews are often helpful, sometimes it is difficult to verbally express all of the ideas, both from the attorney and the Examiners perspective. I have had Examiners offer to do this in the past and it has made prosecution easier for both the attorneys and the USPTO.

Next, I would like to discuss two negative aspects of the proposed provisions. Under Clarity of the Record, it is proposed that the Examiners further clarify the reasons for allowance of a patent application. I have often found these to be unhelpful and only require more work for attorneys to respond to these notices. The claims have been allowed over the prior art and I do

not see the need to spend more time putting on the record the reasons for such allowance. Finally, another proposed amendment that I do not think is a good idea is increased in-person interviews for Examiners and attorneys. Currently there are only three patent offices in the country, with the vast majority located in Alexandria, VA, which would make traveling extremely time consuming and I do not see much of an advantage in meeting in person rather than talking over the phone.