

Marcie Lovett and Nick Fraser - I respond to the "Submission for OMB Review; Comment Request; Patents External Quality Survey," Title: Patents External Quality Survey. OMB Control Number: 0651-0057. This Notice appears at 16006 FR 84, published 4/17/2019. The Notice is flawed because the corresponding "Patents External Quality Survey" published by the USPTO does not cover the full breadth of "Patents External Quality" and instead has requests for input limited to only substantive examination by examiners. Either rename the request for submission to conform to the actual information requested in the published survey, or include in the survey questions related to the full breadth of "Patents External Quality." I note below important aspects of "Patents External Quality" which are absent from the corresponding survey.

The Request states:

"Needs and Uses: Individuals who work at firms that file more than six patent applications a year use the Patents External Quality Survey to provide the USPTO with their perceptions of **examination quality**. The USPTO uses the feedback gathered from the survey to assist them in targeting key areas for examination quality improvement and to identify important areas for examiner training."

Nothing in that description specifies what the "Patents External Quality Survey" asks. The USPTO however published a sample form here:

<https://www.uspto.gov/sites/default/files/documents/Sample%20External%20Survey%202017.pdf>

There is nothing in that form ask anything regarding quality of service, as opposed to quality of substantive examination. Either rename the request for collection and form name to confirm to what you are asking, or ask expressly about quality of service. Service at the USPTO is lacking on many levels, but this form provides no basis to provide specific feedback on quality of service issues.

Examples of items which your "Patents External Quality Survey" provides no place for users to identify deficiencies in "Patents External Quality Survey" include:

1. Undue formalities objections and requirements upon filing: Many of the formal objections, like in ADS filings, and errors in DAS retrieval, are unnecessary. Example: ADS signature requirements when filed in EFS by a registered practitioner, but unsigned. Failure to respect those filings is a complete waste of time and causes serious harm to the public in terms of lost priority and benefit claims and costs of 'redos' and petition fees.
2. Deficient web site document filing interface: Specifically that "Document Descriptions" in EFS do not corresponded to the 37 CFR rules and MPEP identifications of documents to which they pertain and do not include "Document Descriptions" corresponding to items frequently filed. Examples include lack of descriptions for documentary evidence in support of patentability. Another example is that EFS is rife with "Document Description" misnomers, which EBC suggests we users use, for a particular type of paper because no express Document Description exists for that type of paper.

Another example is that EFSs provides for petition filing but fails to include Document Descriptions identifying the types of petitions specified in the MPEP.

3. Deficient information lookup systems: The data entry requirements to in the various GUIs require different forms for input for the same data. Some require application numbers with “/” and “,” included and some do not.
4. Failure to autofocus: <http://appft1.uspto.gov/netahtml/PTO/srchnum.html> fails to autofocus to the sole data entry field on that page. This one singular failure costs the public millions of dollars a year in wasted user time. The fix is one line of static code (see for example [https://www.neifeld.com/PGPs%20\(AutoFocusExceptForIE\).htm](https://www.neifeld.com/PGPs%20(AutoFocusExceptForIE).htm) which is not a USPTO URL and which accomplishes the same search, but does autofocus to the sole field) .
5. Links to automated search queries on patents and published applications return lists with URL links that require the same search be performed by the USPTO servers instead of a direct link to the documents in the list: Consequently, the USPTO servers unnecessarily chew up precious cycles and electrons, and the users have to wait for the entire search to be rerun to see any particular result of the search. Instead of document retrieval taking one second, it takes, for complicates searches, over a minute.  
Example: Compare the retrieval speed for the same patent shown below, with two different links: one from a complicated search query and the other from the number lookup search query:

Number lookup (using <http://patft.uspto.gov/netahtml/PTO/srchnum.htm>) for USP 10,264,474

Embedded link to this patent is: <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=%2Fnethtml%2FPTO%2Fsrchnum.htm&r=1&f=G&l=50&s1=10,264,474.PN.&OS=PN/10,264,474&RS=PN/10,264,474>

**USPTO server response time to retrieve the text of the patent – Under 1 second.**

Advanced patent search (using <http://patft.uspto.gov/netahtml/PTO/search-adv.htm>) for search logic “ttl/computer and (spec/computer or spec/cpu or spec/data or spec/memory or spec/IBM) and abst/computer and aclm/computer” which also retrieves USP 10,264,474 (as the first document in a list of patents)

Embedded link as a result of this search to this same patent is:

<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=%2Fnethtml%2FPTO%2Fsearch-adv.htm&r=0&p=1&f=S&l=50&Query=t%2Fcomputer+and+%28spec%2Fcomputer+or+spec%2Fcpu+or+spec%2Fdata+or+spec%2Fmemory+or+spec%2FIBM%29+and+abst%2Fcomputer+and+aclm%2Fcomputer&d=PTXT>

**USPTO server response time to retrieve the text of the patent – Over a minute.**

The cost to users of this deficiency is millions of dollars a year in wasted time. The cost to the USPTO due to server load, reduced efficiency, and electrical costs, is unknown.

Respectfully,

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