

Comments on Proposed Patent Fee Schedule -- Professor Emeritus William T. Fryer III  
From: wtfryer@aol.com  
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To: Fee Setting  
Cc: wtfryer@aol.com  
Subject: Comments on Proposed Patent Fee Schedule -- Professor Emeritus William T. Fryer III  
Attachments: USPTO PROPOSED PATENT FEE SCHEDULE HEARING HELD NOVEMBER-19-2015.wpd

PROPOSED PATENT FEE SCHEDULE USPTO – HEARING HELD NOVEMBER 19, 2015

COMMENTS SUBMITTED BY

PROFESSOR EMERITUS AND PATENT ATTORNEY

WILLIAM T. FRYER III

UNIVERSITY OF BALTIMORE SCHOOL OF LAW

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PROFESSIONAL WEB SITE RELATED TO DESIGN PROTECTION: WWW.FRYER.COM

EXECUTIVE SUMMARY ON DESIGN PATENT RELATED FEES:

1. The proposed U. S. Design Patent fee schedule needs further review.
2. Significant factors appear to have been omitted from its development.

BACKGROUND

The Proposed Patent Fee Schedule was published in the Federal Register (Vol. 80, No. 202/Tuesday, October 20, 2015/Notices pages 63543 and 63544.

The Hague Agreement for the International Registration of Industrial Designs become effective in the U. S. On May 13, 2015. Basic information on the Hague Agreement can be found on the USPTO web site at the following URL:  
<http://www.uspto.gov/patent/initiatives/Hague-agreement-concerning-international-registration-industrial-designs>.

COMMENTS.

1. The Proposed Fee Schedule should be revised.
2. It collects money for the Patent and Trademark Office (PTO) general use without considering the needs of the design patent users. The improvement of quality of design patent drawings is not listed as a basic for the increased fees.
3. The Proposed Fee Schedule fails to identify the impact of the increases on design patent use in the U. S. The comparison with the utility patent search fee and examination fee demonstrates a lack of appreciation of the role of design patents.

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4. The Proposed Fee Schedule does not appear to integrate the impact of the Hague Agreement, a very serious mistake at this critical time when the system is integrated with the national design patent system.

5. The Proposed Fee Schedule is based on the 2014 cost, which is a transition year for the design patent system. It is respectfully requested that the essential data for 2014 be made available publicly so that the comparison can be analyzed to the current system with the Hague Agreement integration.

6. Unfortunately, the short time to identify the issues from November 12, 2015, to November 25, 2015, makes these comments a mere outline. It is respectfully requested that additional time and further information (feedback from the PTO) be given to allow those who know a significant amount about the design patent system to help the PTO make a good decision for the economy in supporting design patent use.

Respectfully submitted,

William T. Fryer III

7507 Clarendon Road, Bethesda, MD 20814  
Tel. 301-656-9479  
Cell Phone 240-475-4770