

# AIPLA

## American Intellectual Property Law Association

March 13, 2017

The Honorable Michelle K. Lee  
Under Secretary of Commerce for Intellectual Property and  
Director of U.S. Patent and Trademark Office  
U.S. Patent and Trademark Office  
600 Dulany Street  
Alexandria, VA 22314  
*Attn: Pinchus Laufer,*

*Via email: [AEcomments2016@uspto.gov](mailto:AEcomments2016@uspto.gov)*

**Re. Comments Regarding the Continuation of the Accelerated Examination Program, 82 Fed. Reg. 3758 (January 12, 2017), Docket No. PTO-P-2016-0054**

Dear Under Secretary Lee:

### INTRODUCTION

The American Intellectual Property Law Association (AIPLA) is pleased to have this opportunity to present its views on whether the Accelerated Examination program should be discontinued.

The American Intellectual Property Law Association is a national bar association of approximately 14,000 members who are primarily intellectual property practitioners engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

### COMMENTS

We commend the Office for its efforts to understand the complexities of patent examination from the practitioner's viewpoint and to streamline processes and eliminate programs that are clearly non-useful.

The Federal Register Notice generally asked "whether the Accelerated Examination program should be retained or discontinued."

Based upon input from our members, AIPLA respectfully submits that the Accelerated Examination program should be discontinued.

A critical factor for our members is the availability of the prioritized examination program, commonly referred to as "Track One." Thus these comments are largely contingent on the continued availability of the Track One program without significant increase in fees or paperwork burden.

Our members generally agree with the Office that the paperwork burden, namely the Accelerated Examination Support Document (AESD), renders Accelerated Examination less desirable than Track One.

Our members suggest that the elimination of the Accelerated Examination program would have little or no detrimental effect for applicants because our gathered information shows quite limited use of the program.

AIPLA acknowledges the effort by the USPTO to periodically reexamine and eliminate non-useful procedures and programs. These comments have been provided in the spirit of making proposed changes in a way that is compatible with the needs of our members. Thank you for allowing AIPLA the opportunity to provide comments on the proposal.

Sincerely,

A handwritten signature in cursive script that reads "Mark L. Whitaker".

Mark L. Whitaker

President

American Intellectual Property Law Association