

**From:** Chappell, Tina M

**Sent:** Sunday, January 29, 2017 8:54 PM

**To:** External Examination Time Study <ExternalExaminationTimeStudy@USPTO.GOV>

**Subject:** Intel Comments to Fed Reg Notice 2016-25758

Dear Mr. Tamayo,

Please find attached Intel Corporation's comments to Federal Register Notice 2016-25758 on Examination Time Goals. If you have any questions or we may be of any assistance, please do not hesitate to contact us.

Best,

Tina

Tina M. Chappell

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January 28, 2017

Raul Tamayo  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner for Patent Examination Policy

Mail Stop Comments—Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313–1450

<http://www.regulations.gov> (docket number PTO-P-2016-0040)

**Re: USPTO Request for Comments on Examination Time Goals**

Intel Corporation commends the U.S. Patent and Trademark Office (USPTO or Office) on its continuing commitment to enhancing the efficiency and effectiveness of the patent application examination process. Intel is pleased to provide this response to the USPTO’s Federal Register request for comments on its efforts to reevaluate examination time goals, as part of the Examination Time Analysis.

The USPTO Strategic Plan (2014-2018) states that the Office “will establish the optimal pendency and quality levels for both patents and trademarks that will enable [the Office] to operate efficiently and effectively in a steady-state maintenance mode, while considering the expectations of the IP Community.” Inherent in this statement are the trade-offs among patent quality, cost, and pendency. Dedicating more resources to patent examination should result in higher patent quality, but will also lead to more expensive examinations and greater pendency. Limiting examination resources, in contrast, will likely erode patent quality. Intel respectfully submits that while cost and pendency are important considerations, patent quality should be the Office’s primary concern.

Patent quality includes two complementary characteristics. First, high quality patents must faithfully adhere to the standards of patentability established by Congress in the Patent Act and illuminated by judicial decisions. In an ideal world of perfect patent quality, all stakeholders in the IP community could be certain that issued patents would successfully withstand all post-

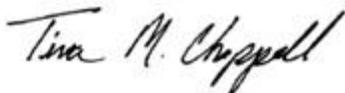
grant challenges to their validity. Second, high-quality patents must provide clear notice of the scope of the claimed invention. When patents are overly broad or vague, the public is deprived of the fundamental bargain underlying the patent system: The patent holder receives a property right but the public does not benefit from the full and accurate disclosure of the invention. When determining the optimal balance among patent quality, cost, and pendency, the Office must ensure that the validity and notice aspects of patent quality are advanced. A patent system that issues patents of questionable validity or ambiguous scope would fail “to promote the progress of ... the useful arts” regardless of how efficiently it operates.

Intel’s concerns about patent quality reflect its leadership position in high-tech industries characterized by complex, interconnected products and services. Semiconductors, computers, electronics, communications, and the rapidly developing Internet-of-Things all involve products that may implicate hundreds or thousands of patents, and the inappropriate grant of patents in any of these areas has the potential to bring further development to a standstill. In these interdependent environments, patent quality is paramount.

### **Conclusion**

Intel reiterates its strong support for the USPTO’s commitment to optimizing the pendency and quality levels of the patent application examination process. A natural desire to minimize cost and pendency should not detract from the Office’s primary commitment to patent quality that ensures the value of the Constitutional bargain between the patent holder and the public. As Director Lee recently stated in her keynote address at the USPTO’s Patent Quality Conference, patent quality is vitally important “to our nation, our economy, and our future.” Intel appreciates the USPTO’s consideration of these comments.

Sincerely,



Tina M. Chappell  
Associate General Counsel  
Director of Intellectual Property Policy  
Intel Corporation



Alan Pedersen-Giles  
Senior Patent Attorney  
Intel Corporation