

From: Chris Brancusi

Sent: Saturday, December 17, 2016 3:38 PM

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

Subject: ETS analysis_Relationship between the increasing complexity of patents and the lack of real world technical experience of examiners (hired in large numbers right after college)

Hi,

Complex times demand a complex analysis (focusing on the examination time sims like a simplistic approach for a complex reality).

The USPTO is known historically for hiring the majority of examiners shortly after they graduated from college, with little or no real world experience in their specialty. You correctly identified the increasing complexity of the patents and the increasingly difficult task to distinguish the innovative aspect of one patent versus the other, and discerning in the vast mass of information to identify prior art. Not acknowledging the fact that USPTO disproportionately favored candidates with little or no actual experience, and thus putting the agency at a disadvantage for the increasingly complex issues to come, may sabotage USPTO's efforts to maintain quality.

Increasing the examination time without a more complex and nuanced understanding of USPTO workforce, may put you in a difficult position to find viable solutions. One thing that often differentiates examiners who went through similar training is how quickly they are able to grasp the technical aspects of a patent. Especially in engineering, having practical experience with the patent's art, being able to figure out problems and find solutions under time/resource constraints, allows for a much quicker understanding of a complex patent application.

We all agree something needs to be done, so you either increase the examining time, or you start hiring more people with more balanced backgrounds (theoretical and practical knowledge), which may take less time to understand the technical part of the patent application, and thus leave more time to do the prior art search and write the action.

Regards,
Christine