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

Subject: Examination Time Study

I have prosecuted many patent applications before the USPTO for the last fifty years both as an inventor and as a patent attorney for others. I was a manager of corporate patent attorneys for a few years at RCA Corporation before its purchase by GE.

The care and quality of examination is no longer as good as it was a few years ago, not even as good as it was for some time after the number of Office Actions permitted being reduced. This deterioration may be caused in significant part by too little time being afforded for Examiners to do their work well. One hopes that it is not because the quality of Examiners themselves no longer is as good as once it was, that newer generations have poorer work ethic, or that Supervising Examiners can no longer spot-check the work of Primary Examiners thoroughly enough.

It is clear that quite a few Examiners are not reasonably well acquainted with the general art which they examine. In many years past, when searching was more onerous, some Examiners who knew the art well would be informally asked by some patent practitioners as to whether they thought a patent application drawn to an aspect of the art they specialized in might be found patentable. Of course, patent applications directed to many technical arts expand more voluminously than was the case in the past. Possibly, however, a Patent Examiner newly assigned to an art unit is not given a period of time with which to acquaint himself or herself with that art in general and as recently developed.

It is evident that some Examiners do not read the specification of a patent application reasonably carefully, possibly for lack of time. Some of these fellows don't have an adequate grasp of English as a second language. At least the background of invention and summary of the invention should be read with some care. At times one receives Office Actions prepared by Primary Examiners who don't have a fairly good idea as to what the applicants' inventions are. These Examiners cover up this fact by voluminous 35 USC 112 rejections directed to claim elements familiar to anyone skilled in the art. They cite applicant's previous applications as grounds for unwarranted obviousness-type double patenting.

Some years ago Bell Labs, as I recall, began the practice of sending Examiners lists of supposedly pertinent patents. That practice was formalized by the USPTO. Some Examiners complained at one time that the lists of as many as twenty or so supposedly pertinent patents got in the way of proper examination more than being helpful. One is struck by how few references are cited by Examiners themselves in patents currently being issued. This despite keyword searching by computer being quite powerful and helping so much in searching technical literature outside that in published patent applications and issued patents, especially non-US ones.

Small-entity filers, especially, suffer from skimpy searches of the prior art. This may be owing to insufficient time for an Examiner to conduct a reasonably thorough search especially in high-tech disciplines where patents and published patent applications tend to be lengthy. When an

Examiner cites the same two vaguely related patents in several different patent applications it creates the impression that searching is inadequate.

My limited interaction with Patent Examiners who are women was recent and has been quite satisfactory.

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