

**From:** David

**Sent:** Monday, January 30, 2017 1:51 PM

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

**Subject:** Examiner's Incentives to Reject Patent Applications

January 30, 2017

### Statement on Examiner Time

I have filed six patent applications on novel and very useful inventions, but none of them have been granted. Part of the reason is, in my opinion, that the examiners make more money, for themselves and the Patent Office, if they reject patent applications—even if they have to make up feeble excuses for the rejections. All six of my applications should have been granted within one year because they are all marvelous, badly-needed innovations. I am now 67 years old and all of my applications have been granted “special” status so that they can be granted before I die.

One of my applications, 10359882, was filed 15 years ago and has had two Requests for Continued Examination. I appealed the Examiner’s unfounded rejections all the way to the U.S. Court of Appeals. The Court of Appeals said that they would have granted the application but my attorney had failed to demand that the Examiner specify the level of expertise of a person of ordinary knowledge in the field of taking phone messages without a telephone receptionist. After the Court of Appeals decision, two events occurred which require that the application now be granted a patent:

1. I requested a Continued Examinations and demanded that the Examiner specify the level of expertise. He refused to do so.
2. The Sawaya patent, on which the Examiner based his rejections, was abandoned and became expired, so it was then common knowledge and I was free to use some Sawaya elements in my invention because that case was no longer prior art that prevented the issuance of my patent.

Even though I paid the two filing fees for the two Requests for Continued Examination, the Examiner refused to consider my Sawaya facts and incompetently stated that the Court of Appeals statements regarding the Sawaya case prevented the issuance of a patent. He stated the same misinformation to his supervisors and, incompetently, they let him get away with his rejections. The Examiner and his supervisor told me to file another Request for Continued Examination and pay the filing fee for it, but they told me that they had already made up their minds and they wouldn’t do any further examination even if I requested it.

It is my opinion that the Examiner and his supervisors are violating the law by refusing to do a proper examination based on the abandonment of the Sawaya patent. It is my opinion that all the incompetent rejections over the last fifteen years were made so that I would have to pay more filing fees. It is as though the policy of the Patent Office is to make sure that the Examiner finds some reason—no matter how flimsy—to reject my patent so that the Examiner will be allocated more examination time and so that the Patent Office—and the Examiner—will receive more filing fees. Because the law is that my patent should be granted, the Examiner's continued request for me to pay more filing fees is, in my opinion, the equivalent of asking for a bribe to get the patent to which, by law, I am entitled.

My invention would be very valuable to 100 million offices in America and many more offices throughout the world. Yet, for fifteen years, I have not been able to get investors to back its production because I don't have a patent. And, no other inventor can go into production on it, either, because they don't have a patent on it, and the Patent Office has told me that they cite my patent application as prior art that prevents any other patents. I should be in full production and making a billion dollars per year by supplying millions of offices with a device that can cut their telephone receptionist time in half. However, I haven't made one penny from my marvelous invention and offices throughout the world continue to operate with a telephone receptionist answering the phone, taking the caller's phone number and name, and noting the time and date of the call. If all those offices had my inventions, their receptionist would spend far less time on each call.

In my case, the Patent Office Examiner has actually prevented innovation and modernization.

I have also filed five other patent applications on five other novel and marvelous inventions that will save the world's environment. To date, I have not been granted one patent and the world's environment continues to deteriorate.

This letter concerns the issue of Patent Office examination time guidelines. The Examiners, like the Examiner in 10359882, will probably argue that they need more time to conduct examinations; however, if they are always going to reject deserving patents, there is no allocation of further examination time that will get them to grant deserving patents. At present, they have an incentive to reject applications so that inventors will pay further fees to the Patent Office and the examiners. The Patent Office should rearrange the examiner's pay schedule so that they don't have that incentive to get further pay by senseless and unlawful rejections.

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