

-----Original Message-----

**From:** George Margolin [mailto:gmargolin@adelphia.net]

**Sent:** Wednesday, May 03, 2006 10:31 PM

**To:** AB93Comments; AB94Comments

**Cc:** inventor@pobox.com

**Subject:** Suggestions for AB93 and AB94 from George Margolin

Please forward to :

TO PEGGY FOCARINO – Deputy Commissioner for Patent Operations

TO JAY LUCAS – Deputy Commissioner for Patent Examination Policy

This is in response to your request for “Suggestions” and/or comments on possible solutions for our Hugely Growing Pendency Periods.

It is also a result of having had the pleasure of meeting both of you and an appreciation of your having convened a small session for us, who are Professional Independent Inventors. Thank you for that.

#### UNIVERSITY BREEDING GROUNDS

Also – since the need for a supply of fresh faced and enthusiastic future Patent Examiners will grow and go on for decades – I’ve added a spreadsheet as an example of a number of technologically oriented universities that might be a breeding grounds for future examiners – particularly if you at the PTO do or have already done the ground work to establish curriculae at some of the universities.

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The PowerPoint Charts that you provided at both the “Town Hall Meeting” and in our smaller meeting the following day for the Independent Inventors – shows that the trouble we THINK the PTO is in – is MUCH WORSE than I had believed possible.

1. The number of applications is increasing steadily -- approximately 400,000 YR
2. The number of Issued patents is approximately 160,000 (40%) of applications
3. Your hiring of new examiners is approximately 1000 per year
4. We were told you have approximately 4000 examiners now
5. We were informed that the attrition rate is MORE THAN 10%
6. Training new hires is slow and time consuming before completion
7. Backlog of patents in process (PIP) is, perhaps, 800,000 OR MORE
8. Your slide “We can’t hire our way out...” is ABSOLUTELY CORRECT!!!

So NOW what might we do to get out of this “Graveyard Spiral” as we who fly, would call such a situation. We might also call it “Getting Behind the Asymptotic Curve.” Either way it means that our American Technology advantage and our wonderful PTO, will crash and burn and look like New Orleans after the Hurricane Katrina.

RETHINKING THE FIXES

When in the meeting for Independent Inventors, I asked Mr. Lucas, “How many examiners would we need to be able to keep up with the burgeoning number of patent applications – AND – have a chance of chipping away at the HUGE backlog and beginning to reduce the pendency?” I believe I was told that we would need – at least – TWICE the number of functionally competent examiners – which would be between 8 and 10 thousand. That sounds realistic since our 4000 examiners were only able to handle the equivalent of 40% of incoming applications. So it seems that MORE than twice as many are needed to be able to cover what is already coming in – AND to work on the huge and growing backlog.

## THE PTO – THE HEART OF AMERICAN TECHNOLOGY

Since the PTO is much like a LIVING AND BEATING HEART – it is unlikely that we can turn off the blood flow of patent applications coming in and issued patents flowing out --- so perhaps we should use OPEN HEART SURGERY as our model.

In this Medical Model – a Perfusion device – external to the heart – takes over the pumping and oxygenating of the blood – while the heart valves are being repaired. A pretty drastic and clever device. That it works, is one of the Modern Medical Miracles – and hopefully is also well patented.

For OUR purposes of keeping the Patent Office alive with its “blood” flowing, while more than DOUBLING -- our needed battalions of trained examiners – our task is much less life threatening but MUCH more complex.

We need to “keep doing what you’re doing” by growing examiners – at as great a rate as possible – money no object – AND setting up a number of contingencies that I’m certain you have thought of. You must convince Congress of that “money is no object” because without sufficient funds, there will be no way to do it. Hopefully we have some friends in Congress and the Senate that might be helpful for this.

While doing the above with the needed money:

1. Set up a separate but concurrent – facility – as close as possible – that will act as a training center without interfering with the ongoing work of the current PTO.
2. Offer retirees and “escapees” an opportunity to use their experience and skills to help train and season the new examiners.
3. Consider Flex Time.
4. Use this facility as a training ground and base camp for new examiners, so they will NOT interfere with the working of the “real” PTO, yet will be weaned in doing the drudge work of less judgment-requiring tasks.
5. Consider OFF SITE examination – by retirees and others – who will be connected electronically – to either the “real” or Training facility or both, as needed. This is one I’m SURE you are or have considered – and in these “non shoe” times of electronic connectivity and searching – it should be relatively easy to implement..

## FUTURE NEEDS FOR MORE EXAMINERS WILL HAPPEN – READY OR NOT!

The suggestions above – are for our current – must-do needs today and in the immediate future. But the future will catch up to us whether we prepare for it or not. In that light the following suggestions – probably already considered by PTO planners and staff – but, let me propose it anyway – just in case some of it has not been implemented.

It is my belief that the PTO needs to have established close ties to universities – particularly technically oriented universities across the country. In this proposed scenario – the PTO will create curriculae for patent arts and examination studies and credits, in as many universities as possible. In a real sense this would be a PTO designed, controlled and perhaps, run – for one, or hopefully many Patent Arts curriculae for colleges or universities. Perhaps only patent specific classes might be created – but whatever means that will develop a pool of potential Patent Examiners – would be a great boost for the future of the PTO and American Technology.

In closing – I'm very aware that my suggestions may or may not be meaningful to you who are professionals in this field – but I sincerely believe that whatever you can do to encourage, entice and enlist future examiners – would help keep the American Patent System – what it has always been -- the very best in the world.

It has done well by me as a professional inventor and I would hope that it will continue to do so for American technological leadership in the future.

Sincerely,  
George Margolin  
Vice President  
PIAUSA (Professional Inventors Alliance) [www.piausa.org](http://www.piausa.org)  
[inventor@pobox.com](mailto:inventor@pobox.com)  
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May 3, 2006

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George Margolin  
Vice President  
PIAUSA (Professional Inventors Alliance)  
inventor@pobox.com  
949-645-5950

## **TECHNICALLY ORIENTED UNIVERSITIES**

<i>university</i>	<i>address</i>	<i>phone</i>
<a href="#">Arizona State University</a>	Tempe, Arizona 85287	602-965 9011
<a href="#">Brandeis University</a>	415 South St, Waltham, Massachusetts 02254-9110	617-736 2000
<a href="#">Brigham Young University</a>	Provo, Utah 84602	801-378 4636
<a href="#">California Institute of Technology</a>	1201 East California Blvd, Pasadena, California 91125	818-356 6811
<a href="#">Carnegie Mellon University</a>	5000 Forbes Ave, Pittsburgh, Pennsylvania 15213	412-268 2000
<a href="#">Case Western Reserve University</a>	10900 Euclid Ave, Cleveland, Ohio 44106	216-368 2000
<b>Cuny Brooklyn College</b>	Bedford Ave & Avenue H, Brooklyn, NY 11210	718-780 5485
<a href="#">Colorado School of Mines</a>	1500 Illinois, Golden, Colorado 80401	303-273 3000
<a href="#">Cornell University</a>	Ithaca, NY 15853	607-255 2000
<a href="#">Embry-Riddle Aeronautical University</a>		
<a href="#">The George Washington University</a>	Washington, DC 10052	202-994 1000
<a href="#">Georgia State University System</a>	University Plaza, Atlanta, Georgia 30303	404-651 2000
<a href="#">Harvard University</a>	Cambridge, Massachusetts 02138	617-495 1000
<a href="#">Howard University</a>	2400 Sixth St, NW, Washington, DC 20059	202-636 6100
<a href="#">Iowa State University of Science and Technology</a>	Ames, Iowa 50011	515-294 5836
<a href="#">Lehigh University</a>	Bethlehem, Pennsylvania 18015	215-758 3000
<a href="#">Louisiana State University and Agricultural &amp; Mechanical College</a>	Baton Rouge, Louisiana 70803	504-388 3202

<a href="#">Louisiana Technological University</a>	Box 3168 Tech Station, Ruston, Louisiana 71272	318-257 0211
<a href="#">Massachusetts Institute of Technology (MIT)</a>	77 Massachusetts Ave, Cambridge, Massachusetts 02139	
<a href="#">Medical College of Pennsylvania</a>	3300 Henry Ave, Philadelphia, Pennsylvania 19129	215-842 6000
<a href="#">Medical College of Wisconsin</a>	8701 Watertown Plank Rd, Milwaukee, Wisconsin 53226	414-257 8296
<a href="#">Medical College of South Carolina</a>	171 Ashley Ave, Charleston, South Carolina 29425	803-792 2300
<a href="#">Michigan Technological University</a>	1400 Townside Drive, Houghton, Michigan 49931-1295	906-487 1885
<a href="#">New Jersey Institute of Technology</a>	University Heights, Newark, New Jersey 07102-9938	201-596 3000
<a href="#">Princeton University</a>	Princeton, New Jersey 08544-0015	609-258 3000
<a href="#">Rensselaer Polytechnic Institute</a>	110 8th St, Troy, NY 12180-3590	518-276 6216
<a href="#">Rochester Institute of Technology</a>	1 Lomb Memorial Drive, Rochester, NY 14623	716-475 2400
<a href="#">Rutgers, the State University of New Jersey - Brunswick</a>	PO Box 2101, New Brunswick, New Jersey 08903-2101	908-932 1766
<a href="#">St Louis University</a>	221 North Grand Blvd, St Louis, Missouri 63103	314-658 2222
<a href="#">South Dakota School of Mines and Technology</a>	501 E St Joseph St, Rapid City, South Dakota 57701-3995	605-394 2511
<a href="#">Stanford University</a>	Stanford, California 94305-2060	415-723 2300
<b>State Univeristy of New York System</b>		
<a href="#">Stevens Institute of Technology</a>	Castle Point in the Hudson, Hoboken, New Jersey 07030	201-420 5100
<a href="#">Tennessee Technological University</a>	Dixie Ave & McGee Blvd, Cookeville, Tennessee 38505	615-372 3101
<a href="#">Texas A &amp; M University</a>	College Station, Texas 77843-1246	409-845 3211
<a href="#">Texas Technological University</a>	Box 45015 Lubbock, Texas 79409-5015	806-742 2011

<a href="#">The University of Akron</a>	302 Buchtel Common, Akron, Ohio 44325-2001	216-972 7100
<a href="#">University of Alabama in Huntsville</a>	Huntsville, Alabama 35899	205-895 6120
<a href="#">University of Arizona</a>	Tucson, Arizona 85721	602-621 2211
<b>University of Arkansas for Medical Sciences</b>	4301 West Markham St, Little Rock, Arkansas 72205	501-686 5000
<a href="#">University of California, Irvine</a>	Campus Drive, Irvine, California 92717	714-856 6124
<a href="#">University of Chicago</a>	5801 South Ellis Ave, Chicago, Illinois 60637	312-702 1234
<a href="#">University of Dayton</a>	300 College Park Ave, Dayton, Ohio 45469	513-229 1000
<a href="#">University of Denver</a>	2199 South University Blvd, Denver, Colorado 80208-0132	303-871 2000
<a href="#">University of Hawaii</a>	2444 Dole St, Honolulu, Hawaii 96822	808-956 8111
<a href="#">University of Illinois at Urbana-Champaign</a>	506 S Wright, Urbana, Illinois 61801	217-333 1000
<a href="#">University of Toledo</a>	2801 W Bancroft Ave, Toledo, Ohio 43606	419-537 4242
<a href="#">University of Wisconsin - Milwaukee</a>	PO Box 749, Milwaukee, Wisconsin 53201	414-229 3800
<a href="#">Wayne State University</a>	5050 Cass Ave, Detroit, Michigan 48202	313-577 2424
<a href="#">Worcester Polytechnic Institute</a>	100 Institute Rd, Worcester, Massachusetts 016090	508-831 5000
<a href="#">Yale University</a>	New Haven, Connecticut 06250	203-432 1900
<a href="#">Thomas Jefferson University</a>	1020 Walnut St, Philadelphia, Pennsylvania 19107	215-955 6617

