The Honorable Jon Dudas  
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office  

Attn: Robert W. Bahr  
Senior Patent Attorney  
Office of the Deputy Commissioner for Patent Examination Policy  

Dear Under Secretary Dudas:


As an inventor of 20 granted U.S. patents for advanced optical technologies that have received international recognition, served as a foundation for new business, and attracted significant levels of venture capital, I feel I am qualified to comment on the Proposed Changes. The current complexity of the United States’ programs for protecting intellectual property often hinders small business and individual inventors from accessing patent protection. Recognizing this issue, I have become a registered patent agent, Registration Number 54,517, and help others navigate that complexity. Accordingly, I appreciate the complexity of obtaining patent protection from multiple vantage points. Rather than simplifying the patent system, I fear the Proposed Changes will create more complexity and uncertainty and more hurdles that will alienate innovators, motivating
them to pursue activities that bring far less benefit to society than their inventive
endeavors.

I am also concerned about the negative impact that the Proposed Changes are likely to
have on an innovator’s ability to secure patent protection for the full scope of his
innovation. Patent drafters are not perfect; claims are not perfect; inventors are not
perfect; examiners are not perfect. Accordingly, each of these parties may make an error
or an oversight – an error or an oversight that today is addressable via continued
examination practice but might not be addressable if the Proposed Changes are adopted.
The stakes are high as the technology under examination could be a revolutionary cancer
treatment, provide a lynch pin for a new industry, or represent an individual’s life
savings. The Proposed Changes may undercut an inventor’s ability to address an error or
an oversight and thereby compromise his ability to secure the patent protection that he
deserves. While improving prosecution speed is desirable, inventors are far more
concerned with obtaining sturdy claims that protect their legal rights. Expeditious
examination is not worth restricting access to continued examination practice and
smothering the fire of innovation in the United States.

Finally, the Proposed Changes are likely to create rather than solve problems for the
USPTO. Skilled patent practitioners will certainly seek novel ways to secure patent
protection for their clients, perhaps filing numerous applications directed to slight
variations of an invention, perhaps filing dozens of highly focused applications. The
techniques that they will develop if the Proposed Changes are instituted may clog the
USPTO with more applications or have some other as-yet-unknown detrimental impact
on the operations of the USPTO.

While I applaud the USPTO’s goals of efficiency, quality, and innovation, the Proposed
Changes undermine those goals. I respectfully request USPTO to not adopt the Proposed
Changes.

Respectfully,
Michael L. Wach
Inventor, Entrepreneur, Registered Patent Practitioner (No. 54, 517)