

From: abolonkin@[e-mail redacted]
Sent: Thursday, August 26, 2010 4:43 PM
To: 3-tracks comments; Clarke, Robert (OPLA)
Subject: USPTO

From: Doctor of Science, Professor (Retired)
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24 February, 2010

To: Congress, USPTO, press and all Inventors!

I write you as a man born in 1933, who has both witnessed and taken part in some of the greatest scientific undertakings of our age, including jet age, nuclear age and space age scientific inventions. You well know the importance of American superiority in technical progress as the foundation and lodestone of our society's strength, our military's power, and our people's well being. Our very health depends on innovation in many, not just a few scientific areas, and our future lifespan may well be lengthened -- or, sadly, shortened-- depending on events occurring now in the United States Patent Office.

Sadly, the Patent Office is broken. This would probably not even be on your radar screen given the other military, economic and societal disasters happening almost monthly now, but it in fact may be one of the root causes for this historic decline in the future projected power of the American State.

What was in the very beginnings of the American system, a source of national strength has instead in the last 60 years become a brake on American progress.

Just as in the area of copyrights, major corporations have had their lawyers writing legislation favorable to their interests as opposed to those of society as a whole, so the small inventor has been shoved to the side in favor of a Patent Office system that limits innovation in the quest for money to fund the patent bureaucracy itself. Literally the bureaucracy favors fewer but more remunerative applications: Less work for more money. This may be more fun for the Patent Office and the corporate people, but it throttles innovation.

America is a nation of small inventors, technicians, hackers and innovators, and they can fight the entire world and win, but they CANNOT fight our own Patent Office. You will not hear this from anyone who is younger than myself because they frankly fear the retaliation of the bureaucracy. I have nothing to fear or prove anymore, and I am writing this letter in order to help pay back the country that has given me so much, including my freedom (and quite possibly my life; I was in the Siberian punitive camp system of the USSR as political prisoner, and, I assure you, not as a tourist.)

Should you desire to regenerate the US economy in the next decade-- when we face the huge competition of many more Chinese engineers than American-- when they start from savings, and we from debt, they from boom and we from near-depression-- one of the few cheap ways open to you is to take this suggestion---

I suggest the following system and law: Any individual applications (or poor inventor) presented to the US Patent Office in electronic form should be published as is (in electronic

form for economy's sake) in an internet library either by the Patent Office, (or, if they resist, the another organization, for example, DARPA or the Library of Congress) without examination and any payment. The Library automatically indicates only date of receiving in case of future dispute.

The whole expensive patent process then only would begin (request of patent payments, fees, etc) when inventor will ask about it. It is possible, when the first listed inventor finds a buyer or investor of interest relative to his inventions, or if a company uses the invention without permission and the inventor can then find a lawyer to take the case in return for a percentage. Note that this does not stop patent law from happening but massively increases American prior claims to inventions, of great value in world competition. As most patents do not find a use or company illegal uses this invention. If an inventor did not find the buyer or interested company in during the conventional 20 years, it is open for any company and all people to use the invention. Consider the massive quantity of inventions to which the inventive but poor American workshop or pensioner could come up with-- and the income it could bring to the Nation. As it is now, the cash-poor but idea rich inventor does not even bother, and often foreigners claim rights to an idea that Americans thought of first.

The patenting of invention (payment just to the Patent office) costs about \$1200, plus about \$30,000 to lawyers, plus mountains of costs in the many thousands of dollars--quite beyond the reach of most inventors. All poor inventors CAN NOT patent their inventions and take part in the parade of American progress. The patenting process takes some years (and this comes off the top of the useful life of the patent). If you complaint, sometimes folks in the Patent Office may begin to treat your applications with 'special care'.

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I urge passage of a law enacting the simplified system above so that the Patent Office can become the main enabler of technical progress in the USA rather than the main obstacle on the way to inventors.

Sent this letter to your congressmen and Committee Science and Technology of USA Congress!

<http://science.house.gov/contact/default.shtml> , Ph. (202)225-6375, Fax (202)225-3895 .

If you require more details please contact me and I will be happy to help.

Sincerely,

Doctor of Science, Professor (Retired)

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ATTACHMENT

USPTO Debuts New Patent Fast-Track Plan 8 26 10

By David R. Butcher

The U.S. Patent and Trademark office is seeking public opinions on a newly proposed multistage "fast-track" patent system to replace the current "one-size-fits-all" process. Comments on the proposal are being accepted this week.

For years, inventors and innovation experts have claimed the United States patent system is broken. Most agree that the U.S. Patent and Trademark Office (USPTO) is inefficient, understaffed, underfunded and incredibly backlogged.

In an effort to address efficiency problems in patent processing, the Department of Commerce's USPTO recently unveiled a three-pronged plan to fast-track certain applications, delay others and leave some under the status quo.

In June, the USPTO announced it is seeking public comment on a proposed new patent examination initiative that would "provide applicants greater control over the speed with which their applications are examined and promote greater efficiency in the patent examination process."

The three-track system for patent applications is meant to improve examination timing and reduce pendency of patent applications.

"We recognize that the traditional 'one-size-fits-all' examination timing may not work for all applicants," USPTO Chief David Kappos said in a statement. "By allowing applicants greater control over the timing of examination, the USPTO will be able to deploy its resources to better meet the needs of innovators."

Under the proposed initiative, for applications filed first in the U.S., applicants could choose between three tracks:

Track I. Prioritized examination — For an undisclosed amount on top of the standard \$1,090 filing fee, applicants requesting prioritized examination could expect first action from the USPTO within four months and final action within 12 months. (Kappos told Reuters "the fee will certainly be non-trivial.")

Track II. Traditional examination — Applicants for traditional examination would receive examination under current procedures at the current fees. The timeframe from application to first action and first action to final action would still vary.

Track III. Delayed examination — Non-continuing applications first filed in the USPTO can request "an applicant-controlled delay" of up to 30 months prior to docketing for examination.

"Not every application needs to go at the same speed. Some need to go fast and some need to go more slowly," Kappos told the Wall Street Journal. "The system will allow applicants to essentially select which innovations are the most important for patent examiners to tackle first," the *Journal* explains. Kappos said Track 1, or fast-track, applications would benefit independent inventors and small businesses, which typically need patents approved faster than the nearly three years it now takes. Last year, it took 34.6 months on average for patent applications to be reviewed, up from 24 months in 2002. (Source: *Staas and Halsey*)

According to the agency chief, the proposed plan would enable applicants to prioritize their needs and, in turn, help the patent office with its mounting workload.

In June, the USPTO published a notice in the Federal Register setting out the preliminary three track proposal and citing three ways that overall pendency would be decreased:

1. Increased resources in Track 1 would result in increased output;
2. Reuse of search and examination work done by other offices would result in greater efficiency; and

3. Applicants who choose Track III because their applications are of questionable value might not pursue their application examination efforts.

According to Patently-O, "the potentially greatest impact of the proposal is directed toward applicants that claim foreign priority.

"In all such cases, the PTO is proposing that the office delay examination until the PTO receives a copy of the first office action and applicant reply from the foreign prosecution," the patent-law blog explains.

It is the belief of the USPTO that overall pendency would be further decreased because applicants with applications first filed abroad might ultimately not pursue their application examination.

Other efforts to reduce the backlog have included a fast track for green-tech patents, such as discoveries related to renewable energy, increasing energy efficiency or reducing greenhouse-gas emissions.

"Multi-track reviews are part of a broader effort by Kappos and the Obama administration to improve the office, which has struggled with funding shortfalls and complaints from businesses about the rising backlog of unresolved applications," the *Journal* explains.

The USPTO is seeking public comment on the three-track plan before implementing the program in early 2011. Written comments must be submitted to 3trackscomments@uspto.gov by Aug. 20, 2010. For a comprehensive roundup of expert reactions to the proposed system, check out IP Watchdog

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