

From: takeshi

Sent: Friday, August 20, 2010 4:03 AM

To: 3-tracks comments

Subject: Comments on Enhanced Examination Timing Control Initiative

Dear Sir or Madam,

Attached is our comments on Enhanced Examination Timing Control Initiative.

Best regards,

Takeshi Inoue

Manager, Patent Attorney (Japan)

Strategy and Policy Planning Office

Intellectual Property Group, Hitachi, Ltd.

August 20, 2010

Via E-mail to: 3trackscomments@uspto.gov

Re: Comments on “Enhanced Examination Timing Control Initiative”

Commissioner:

Hitachi, Ltd. (NYSE:HIT / TSE:6501) is one of heavy users of the US patent system. Around 1,000 US patents under Hitachi, Ltd. were issued in CY2009. We respectfully submit our comments on Enhanced Examination Timing Control Initiative.

We agree generally to the three examination tracks proposed in the Initiative because we think patent system users have a need to control examination timing according to which stage of the product life cycle the products pertinent to the filed inventions are in, or according to the length of the product life cycle.

However, we strongly oppose the Initiative in that its benefits are limited to the applicants for applications filed in the United States Patent and Trademark Office (USPTO) that are not based on a prior foreign-filed application.

Under the Initiative, for applications filed in the USPTO that are based on a prior foreign-filed application, no action would be taken by the USPTO until the USPTO receives a copy of the search report, if any, and first office action from the foreign office and an appropriate reply to the foreign office action as if the foreign office action was made in the application filed in the USPTO.

We strongly oppose the additional requirement to applications filed in the USPTO that are based on a prior foreign-filed application. The Applicants for the applications filed in the USPTO that are based on a prior foreign-filed application cannot fully control timing of first office action from the foreign office. Accordingly, it is unfair to impose the requirement on only such applicants.

The notice does not explicitly state how the USPTO handles PCT applications in which the United States of America is a designated country. Those PCT applications must be treated the same as applications filed in the USPTO that are not based on a prior foreign-filed application even if the

Hitachi, Ltd., Intellectual Property Group

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USPTO is the not receiving office for the PCT applications.

We understand the necessity of reuse of search and examination work done by foreign offices.
However, we would appreciate fairer initiative to promote the reuse.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. Oka". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Kensuke Oka
Corporate Officer
General Manger
Intellectual Property Group