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VIA ELECTRONIC MAIL

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Mail Stop: COMMENTS – PATENTS

Attn.: Robert A. Clarke
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: 3-Track Enhanced Examination Timing Control Initiative

Commissioner:

The following are my comments related to the Enhanced Examination Timing Control Initiative of 2010.

1. In the Federal Register Notice you indicate that the proposed initiative aims to reduce application pendency because “increased resources in Track 1 would result in increased output.” Enhanced Examination Timing Control Initiative; Notice of Public Meeting, Vol. 75, No. 107, Friday June 04, 2010, 31763-768. The increased resources are assumedly from the fees applicants would pay for expedited examination under Track 1. However, some questions remain as to how the increased revenue would necessarily translate to increased productivity. Would you hire more examiners and redistribute the accelerated work load to more senior examiners? How much revenue in fees alone would you need to generate in order to pay for each additional hire? Would examiners be encouraged to work overtime to meet the new demand?
2. How are you estimating the demand for each track and staffing plans for accommodating said demand? Are there a maximum number of requests, under either track – particularly Track 1 – that you will be able to accommodate? Perhaps, similarly to the initiative for green technologies, you can only allow the first few thousand applicants to apply under Track 1 for the first year or so.

3. Under Track 1, how is publication handled? Perhaps automatic publication should occur after a filing receipt is mailed or the first office action on the merits is mailed. In this manner, the interested public can make prior art submissions to the PTO if they would like to do so. The file history can be made public with the application.

Kristy J. Downing