

From: Kristin Whitman [mailto:kwhitman@landon-ip.com]
Sent: Monday, January 25, 2010 5:26 PM
To: patent_quality_comments
Cc: Brad Buehler; Julie Cook
Subject: Response to request for comments on patent quality

January 25, 2010

These comments are submitted by Kristin Whitman, Senior Content Editor, Intellogist.com on behalf of Landon IP, Inc. in response to the USPTO's Request for Comments on Enhancements in the Quality of Patents, published in the Federal Register, Vol 74, No. 235, December 2009. Our recommendation is that emerging social media technologies could be implemented within the USPTO to improve knowledge sharing, along the model of a motivated patent search community. One example of such a model is <http://www.intellogist.com>, a free web resource offered by Landon IP.

One of the emerging trends in corporate knowledge management is relying on the power of social media platforms to create robust knowledge sharing channels within an organization. Searching patents to locate prior art on an invention is a very difficult task, and building expertise can take years. Our belief is that examiners may benefit from more opportunities to collaborate on searches that span technology disciplines, and to share knowledge about effective patent search techniques. Implementing social media within the USPTO may be an effective way to support and encourage this type of activity, even for examiners who work remotely. These platforms could also potentially be used to reach out to the community of patent agents and applicants to increase the quality of their prior art searches. From our knowledge of the patent search process at the USPTO, it does not seem that existing social media solutions are being taken advantage of at this time.

One example of an opportunity to implement social media is the current USPTO search template collection, available at <http://www.uspto.gov/web/patents/searchtemplates/class.htm>. These templates are currently static HTML web pages listing very general sources (e.g. Dialog Newsroom) over and over again throughout each page. If these pages were transformed into a more dynamic collaborative platform, such as wiki pages, their content could improve as examiners discover and add more niche sources to the templates, or as members of the community suggest them. The community feedback process could cause new, useful sources to be added to the templates, while pruning those that are not particularly helpful. Because these templates are currently the recommended search guidelines for those seeking to submit Accelerated Examination applications at the USPTO, their improvement could have an impact on the quality of accelerated examination searches especially.

Another application of wiki pages to the USPTO's quality goals would be the creation of best practices and "how-to" type articles to help applicants perform initial patent searches. For example, the USPTO could use either an internal or external wiki platform to collect best practices for search procedures by class, with an incentive system for examiners to contribute. An example of wiki best practices related to patent searching can be found at <http://www.intellogist.com>; users must complete a free registration process on the site before adding to the existing literature on the subject.

Discussion forums and chat spaces are more well-known features of online communities (when compared with wikis), and many people are now comfortable with their use. To help applicants and agents overcome barriers to making quality submissions, the USPTO could utilize discussion forum technology or live chat to provide assistance to those submitting an application or responding to an office action.

Finally, it's important to acknowledge that the creation of a public USPTO forum will need to be heavily moderated and require an extra investment of both time and money, possibly to the point that such a venture would be prohibitively complex and difficult. Thus, we suggest that rather than the creation of such a forum, the USPTO could encourage patent examiners and/or support staff to register

and communicate with the public via an online community hosted by a third party, such as <http://www.intellogist.com>. Using this strategy, examiners would be able to make comments in a non-official capacity while still experiencing the knowledge transfer that is generally associated with participation in a community of practice.

Thank you and best regards,

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February 3, 2010

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