

**From:****Sent:** Monday, March 08, 2010 12:13 PM**To:** patent\_quality\_comments; Schor, Kenneth; Laufer, Pinchus**Subject:** Attn: Kenneth M. Schor and Pinchus M. Laufer: Comments on enhancement for patent quality

Hello: I'm writing my suggestions for improvement of patent quality - on my own personal behalf and not as an agent or employee in any way of the US Patent and Trademark Office. First of all, I believe that an oversight board independent of the USPTO's control should be established and stocked with scientific experts and legal experts to oversee the USPTO's patent quality and to which patent examiners can go when they have disputes over the quality of their work with their supervisors and the USPTO's quality review staff. The USPTO should not adopt inconsistent application of patent quality standards with regard to the review of the quality of work of patent examiners. Patent examiners should be judged in a consistent manner and not penalized for gray areas in patent examination quality. The errors in the work of patent examiners should not be overlooked, and non-existent erroneous errors should not be fabricated and/or asserted by supervisors against other patent examiners. Additionally, there should be fair criteria for placement of patent examiners on second pair of eyes lists - there should not be a situation where patent examiners are placed on second pair of eyes lists and/or deemed to have poor quality merely based on an unproven hunch of a supervisor, director, etc. Directors and Assistant Deputy Commissioners for patent operations who oversee art units and tech centers should have technical expertise in the area that they are supervising and preferably even legal training and a law degree. Patent Examiners should not be penalized and driven out of the office for examining patent applications in the manner in which they were trained to do so - training of patent examiners should be done in a competent manner so as to assist them in succeeding - training should be consistent throughout a tech center rather than be SPE or primary examiner-dependent. Training of patent examiners should not be SPE or primary examiner-dependent - otherwise, this may introduce too much inconsistency in patent examiner training and unduly make patent examiners sitting ducks and open targets for managers who examine patent applications in a manner different from these patent examiners's trainers. Inconsistencies in patent examination quality and practice should be identified within each Tech Center and hammered out - and patent examiners should be alerted of these inconsistencies and not penalized for inconsistencies in examination practice among SPEs and primary examiners among the various art units within a tech center. Additionally, supervisors and directors should not violate patent examiners' employee bargaining agreements and performance appraisal plans and should not accord the work of patent examiners - an inappropriate level of review - which makes work go overdue and gives patent examiners less time to devote to quality patent examination. Patent examiners should also be given adequate time and an accurate amount of time to devote to quality patent examination. Patent examiners should not be overloaded with amendments by the processing of these cases - which will give the patent examiners less time to devote quality examination to these amendment cases and other cases. Supervisors and tech center Directors, assistant deputy commissioners of patent operations, etc. who have been determined to perpetuate double standards in the monitoring of patent quality among patent examiners should be held accountable and should not be permitted to retain positions of great influence over patent operations until it has been established that these supervisors and directors will not perpetuate double standards again.

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