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January 19, 2012

Via Electronic Mail: satelliteoffices@uspto.gov

The Honorable David J. Kappos
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
Mail Stop Comments - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Azam Khan, Deputy Chief of Staff

**Re: National Workforce Program
USPTO Docket No. PTO-C-2011-0066**

Dear Under Secretary Kappos:

I am writing on behalf of the American Bar Association Section of Intellectual Property Law (the "Section") to provide comments in response to the request of the United States Patent and Trademark Office ("the Office") on the Office's efforts to identify and staff satellite offices. These comments have not been approved by the American Bar Association's House of Delegates or Board of Governors and should not be considered to be views of the American Bar Association.

One of the stated goals of this effort is to "[i]mprove the quality of patent examination." The Section strongly supports taking all measures necessary to assure that this goal is fully realized. Quality patent examination most fundamentally rests on the skills and experience that patent examiners bring to the process. For the Office to deliver high quality examinations consistently, it must provide comprehensive examiner training programs and implement supervisory programs capable of assuring that examiners achieve expected levels of performance.

The Section believes that the quality of examination has been greatly enhanced because patent examiners have the opportunity to develop their skills through an interactive working environment. Particularly for new examiners, the opportunity for face-to-face interactions with more experienced colleagues can be critical to accelerating the development of a high degree of competence.

The Honorable David Kappos

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The ability of the Office to train and supervise patent examiners has been greatly facilitated by the geographic location of the patent examining corps at a single site in the Washington, D.C. metropolitan area. Today, for example, those activities are fully integrated at the Office's headquarters complex in Alexandria, VA.

The Section also believes that the availability of personal interviews with patent examiners are important for enhancing both the quality and efficiency of examination. In recent years, the availability of examiner interviews has been complicated in situations where the examiner has not been resident on the Alexandria campus. For example, it can be difficult to schedule a productive face-to-face discussion with a patent examiner who participates in the Office's Patents Hoteling Program (PHP).

For this reason, the Section encourages the Office to consider including space for personal interviews and videoconferencing in each satellite office, regardless of geographic location, to facilitate the availability of patent examiners for interviews with applicants during prosecution. In this regard, the Office may also wish to address the more general difficulties that can arise for patent examiners in the PHP.

In summary, as the Office works to establish these satellite offices, the Section encourages the Office to follow the following principles:

1. Any satellite office should contain a "critical mass" of examiners to enable an interactive working environment.
2. The quality of examination should be location-neutral. In particular, the metrics used to assess the quality of patent examination should be set at the same targets whether examination is conducted in Alexandria or at a satellite office.
3. Satellite offices should have a critical mass of experienced examiners to provide meaningful training and mentoring opportunities to new examiners.
4. Satellite offices should be structured and operated to facilitate opportunities to conduct interviews with patent examiners, either in person or through the use of contemporary videoconferencing capabilities.

The Section looks forward to working with the Office as it implements the "satellite office" provisions of the AIA. If you should have any questions or we can be of further assistance, please do not hesitate to contact us.

Sincerely,



Robert A. Armitage, Section Chair
American Bar Association
Section of Intellectual Property Law