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From: [e-mail address redacted]
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To: SatelliteOffices
Subject: Docket No. PT0-C-2011-0066 San Francisco Bay Area Satellite Office

Azam Khan, Deputy Chief of Staff,
Office of the Under Secretary and Director

Re: Potential Location for USPTO Satellite Office Pursuant to AIA

The USPTO's stated goals for its satellite offices include (a) recruiting and retaining a highly skilled workforce; (b) reducing patent application pendency and improving quality; and (c) enhancing communication between the USPTO and the patent application community.

All of these goals would be best served if the next satellite office for the USPTO were in the San Francisco Bay Area for the following reasons.

First, California has not just the largest population of any State, but the largest population of technically and scientifically trained individuals -- the people who are capable of serving as USPTO examiners. The Peninsula and South Bay have a concentration of colleges and universities (community colleges, technical schools, four-year undergraduate schools, and even world-leading multidiscipline doctoral universities) superior to that found in almost any other state. A 'Bay Area' satellite office would thus be able to draw on the greatest concentration of potential examiners and staff who would otherwise not be available to a Washington D.C. or Mid-country office location.

I seriously considered seeking a position as an Examiner but decided it would not be workable to seek employment with the USPTO in D.C. or outside the Bay Area, for my wife, who is an archaeologist, had built a career and specialization in California Historical Archaeology. If there had been or were a USPTO Bay Area office, I would have sought such employment in 1995 after I had established a sufficient 'technical qualification'.

I am also aware of a number of individuals with bachelors and advanced scientific degrees who, due to the continual 'creative destruction' of active competition amongst the technical companies in the Bay Area, would seriously consider employment at a USPTO satellite office, including several who would move up here from Southern California or down from Oregon or Washington. I am not, however, aware of any who have stated they would move away from the Bay Area to either of those locations.

Second, there have been many times when prosecuting a patent application before the USPTO where the three-hour time differential has slowed communication, due to the limited time overlap. Even a small delay in any 'telephone tag' can force a day's further delay in the asynchronous exchange between applicant and USPTO. This effect would of course be even more of a problem with applicant inventors from Hawaii or locations farther east. A satellite office in the Bay Area and thus in the Western Time Zone would remove this source of delay and friction. Greater ease of communication, in turn, would improve patent quality. Despite our best efforts to communicate there are times when the finer shadings of the 'broadband' messaging available through direct face-to-face, synchronous communication, enable both parties to establish a level of certain and correct knowledge concerning a difficult, abstruse, or complex issue, which otherwise may take multiple rounds of written (and thus more formalized and less dynamically adaptive) exchanges.

Also, the lack of a time-delay would make some process communications easier to engage in. Since I have had patent applications lost within the USPTO (due to internal errors, including the accidental dropping of an approved-but-transferred-to-publication-preparation application behind a filing cabinet) for weeks or even (in that situation) months, I have been aware that keeping these inadvertent process glitches down sometimes require short calls or

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direct contacts -- which are harder to arrange through the time difference.

Third, and finally -- the Bay Area is the leading source for advances in distance communication, data sharing and storage; it offers a ready availability of expertise for back-office equipment, software, and provisioning (especially leading-edge, technical support) that is superior to anywhere else; and has a great concentration of firms who can and will compete to provide the most cost-effective computers, software, and communications technologies, all of which the USPTO needs if it is to effect real productivity increases.

The first office in Detroit was praised because the University of Michigan filed 80 patent applications a year.

Stanford, alone, files twice that in a like period.

The Bay Area files 900+, ten times that number, each month.

One-quarter of the U.S. total investment in venture capital is invested in the Bay Area, and the majority of this, goes to firms seeking technological innovations.

Five of the top ten cities that generate patents (not just applications) are Palo Alto, Sunnyvale, Cupertino, San Jose, and Fremont -- all of those being located within 40 miles of San Jose, i.e. in the southern half of the Bay Area.

The need is here; but the opportunity for the USPTO -- to grow, and learn, and gain valuable employees -- is also much, much greater, here.

Sincerely:

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