



SCHMEISER, OLSEN & WATTS LLP
PATENTS, TRADEMARKS & COPYRIGHTS

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January 30, 2012

To: satelliteoffices@uspto.gov

From: Schmeiser, Olsen, & Watts LLP

Re: Nationwide Workforce Program

United States Patent and Trademark Office
Attn: Azam Khan, Deputy Chief of Staff
Mail Stop - Office of Undersecretary and Director
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Re: Comments on Additional USPTO Satellite Offices for the
Nationwide Workforce Program (Docket No. PTO-C-2011-0066)**

Dear Mr. Kahn:

The intellectual-property law firm of Schmeiser, Olsen, and Watts (“SOW”) is pleased to submit this response to the United States Patent and Trademark Office’s Request for Comments regarding the selection of sites for USPTO satellite offices (USPTO Docket No. PTO-C-2011-0066 “Request for Comments on Additional USPTO Satellite Offices for the Nationwide Workforce Program”).

This response proposes locating the next USPTO satellite office in the **New York State Capital Region**, which encompasses the counties of Albany, Rensselaer, Schenectady, and Saratoga, and houses one million residents in a diverse array of urban, suburban, and rural communities.

In addition to hosting New York State’s seat of government, the Capital Region is a global leader in the field of nanotechnology and home to major universities with strong engineering and science curricula, including the University at Albany’s College of Nanoscale Science and Engineering, Union College, and Rensselaer Polytechnic Institute, which graduated two sitting Federal Circuit Court of Appeals justices.

The Capital Region is also the site of global ventures that include the SEMATECH consortium of computer chip manufacturers and the SUNY nanotech alliance with Intel, IBM, AMD, and Global Foundries. In addition, the region offers an outstanding community college system and one of the nation’s oldest and most robust incubator networks, both of which continue to generate a steady stream of entrepreneurs and tech startups.

The Capital Region’s centralized location, convenient to centers of innovation like Boston, New York City, Montreal, Rochester, and Burlington, VT makes it accessible to graduates from top-

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notch academic institutions like MIT, Harvard, Yale, Columbia, Cornell, the Rochester Institute of Technology, Dartmouth, Princeton, and McGill University. Integrated-circuit manufacturer Global Foundries recently selected the Capital Region to build a state-of-the-art \$4.2 billion chip-fab plant (due to open this year), and the surrounding area has long been the home of world-class innovators like IBM, General Electric, AT&T, Lockheed Martin, Bristol Meyers Squibb, Northrup Grumman, Pfizer, Alexion Pharmaceutical, Raytheon, United Technologies, Xerox, 3M, and Kodak.

Unlike most urban centers, the Capital Region enjoys a modern International Airport that is only minutes away from local business districts. A major rail station integrates the heart of the region with AMTRAK's Northeast Corridor, providing high-speed rail service between Albany-Rensselaer and Montreal, Boston, New York, Buffalo, Southern Vermont, and Washington, D.C.

And unlike other technology centers, the Capital Region combines all these advantages with a relaxed lifestyle, affordable housing, and one of the lowest costs of living of any metropolitan area in the Northeastern United States. Opportunities for outdoor recreation abound throughout the region's Adirondack, Berkshire, and Catskill mountain ranges, which include the world-famous Mohonk Gunks climbing cliffs and the Winter Olympic site at Lake Placid. A burgeoning music and arts scene boasts numerous jazz clubs and local music outlets, RPI's pioneering EMPAC new-music performing arts center, distinctive museums and art venues like MASSMoCA and the Sterling and Francine Clark Art Institute, and world-class classical, jazz, and popular music at the Saratoga Performing Arts Center and the Tanglewood Music Center.

All of this adds up to a unique combination of benefits that makes the Capital Region an ideal location for a facility like the next USPTO satellite office.

SOW addresses issues (1) through (4) posed by the USPTO Request for Comments as follows:

1. A satellite office in the New York State Capital Region would increase outreach activities to better connect patent filers and innovators with the USPTO.

Since 1999, over 81,000 patents were issued in the State of New York, consistently ranking as one of the top 3 states in yearly total patents granted. Manny Schecter, Chief Patent Counsel for IBM, indicated that IBM's Northeast U.S. facilities, alone, filed more than 3000 patents last year (2011) and the New York Capital Region is centrally located to those facilities. Moreover, a satellite office in the Capital Region of New York would not only connect patent filers located in the Capital Region with the USPTO, but would connect the USPTO with thousands more in nearby technology centers, such as New York City, Boston, Burlington, VT, and Syracuse, NY, all approximately 150-170 miles (2-3 hr drive) from the Capital Region. The Capital Region is also very accessible from Western NY (Rochester, NY) and from Ottawa, Ontario, Canada, which is the home of the Canadian Patent Office. The total number of patents granted since 1999 between New York, Massachusetts, and Vermont exceeds 137,000 patents.

Further, a patent office in the New York State Capital Region would provide much easier access to applicants in New York, Massachusetts, Vermont, New Hampshire, Rhode Island, and New Jersey. In combination, these states account for 18% of all issued patents in 2010 (21,636 patents issued). These states account for only 2.5% of the entire land area in the United States. By comparison, the land area of these states is only 55% of the land area California, and only 33% of the land area of Texas. In other words, the northeast sector of the United States is both highly innovative, and highly compact geographically. A Satellite Patent Office in the north east, and particularly in the New York State Capital Region, will therefore be the most effective in providing access to the most Applicants to decrease the burden on the Patent Office and improve the quality of patent examination.

Moreover, the Capital Region of the State of New York displays an ongoing commitment to high tech and green tech growth, evidenced by the growing number of companies electing to move to the Capital Region. For example, patent savvy companies like General Electric Energy & General Electric Global Research Center, Global Foundries - Advanced Micro Devices, Momentive Performance Materials, Regeneron Pharmaceuticals, Plug Power, and Angiodynamics, call New York State's Capital Region home. In addition, the heart of Tech Valley is located in the Capital Region; Tech Valley is a 19-county section of eastern New York state that stretches from the Canadian border near Montreal to Orange County, just north of New York City. Tech Valley is home to more than 1,000 technology companies, with a combined 50,000 employees and \$2 billion annual payroll, resulting in a \$5 billion annual economic impact. Such growth and presence of tech companies in the Capital Region has resulted in a 20-30% prior year increase in patent prosecution here at SOW, with an expectation of continued increases, despite the state of the economy. Accordingly, a satellite office in New York's Capital Region would certainly increase outreach activities to better connect patent filers and innovators with the USPTO.

2. A satellite office in the New York State Capital Region would enhance patent examiner retention.

The cities of Albany, Saratoga Springs, Schenectady and Troy and their surrounding communities make up the Capital Region and heart of Tech Valley. The cost of living in Albany is just slightly higher than the national average; however it is much lower than Northeastern metropolitan cities. In 2010, Forbes ranked the Capital Region the 9th best place to raise a family in 2010, the 15th most innovative city, and the 30th best bang-for-the-buck city. The average household income is \$45,000, and the average commute time is 21 minutes, below the national average. As of 2010, the unemployment rate in Albany is 7.8%, lower than the national average, and lower than any other major metropolitan area in New York State. Moreover, the Capital Region's extraordinary diversity makes it possible for workers to choose the lifestyles they want, offering plenty of affordable housing in urban, suburban, small town, and rural communities. In addition, Albany is an official "port city, located along the Northeast Corridor for trade, one of only 5 trade corridors in the US.

The Capital Region offers many lifestyle perks, such as the beautiful Adirondack and Catskill mountain ranges, which support various forms of outdoor recreation. The Adirondack National Park, for example, includes 46 "high peak" trails, one for each of its peaks throughout the park. The Adirondacks provide for skiing (Whiteface Mountain, home of the 1980 Olympic games and having the highest vertical distance in the entire east coast), camping, fishing, canoeing, biking, and kayaking. Historic Lake Placid is also only two hours from Albany, where the Olympic training facilities are still in use. Lake George is also located an hour north from the New York State Capital Region, a popular tourist attraction in the summer for people as far south as New York City and New Jersey.

Excellent east coast skiing conditions can often be found in the numerous Vermont ski resorts, most of which are only a short drive from the Capital Region. The capital region is also only hours from the Finger Lakes region in Western New York. This region is home to a wide range of many of our nation's best wineries secluded around the gorgeous Finger Lakes. For people who like to spend time in New York City, the Rensselaer Train Station provides easy and no-hassle access for a weekend getaway.

The beautiful town of Saratoga Springs is also just a short thirty minute drive from Albany. Saratoga Springs includes its world famous racetrack and casino, as well as the Saratoga Performing Arts Center which consistently attracts the largest and most popular acts in addition to the NYC Ballet and the Philadelphia Symphony each summer. The Capital Region is only a few hours away from major casinos in Connecticut (Foxwoods and Mohegan Sun) & Western New York (Turning Stone). Albany is also the home summer for the New York Giants NFL football team, and the home to the Albany Devils (New Jersey Devils farm team), the Albany Firebirds (professional indoor football team), and the Tri-City Valleycats (minor league baseball).

Accordingly, the Capital Region of New York would enhance patent examiner retention based on the low cost of living and the numerous activities and locations available to those living within the Capital Region.

3. A satellite office in the New York State Capital Region would improve recruitment of patent examiners.

The New York State Capital Region is home to several sources of recruitment for patent examiners. The capital district alone is home to several technical colleges and universities including SUNY Albany (including the Albany College of Nanoscale Science and Engineering and the Albany Center for Excellence in Cancer Genomics), Rensselaer Polytechnic Institute, Union University (including the College of Pharmacy and Albany Law School). Upstate New York is also home to Cornell, Syracuse, University, Rochester Institute of Technology, University of Rochester, SUNY Upstate Medical Facility, SUNY Binghamton, and SUNY Buffalo. Other nearby colleges and universities include a vast array of technical schools from both Boston and New York City, and the University of Connecticut.

The Albany-Schenectady-Troy metropolitan area consists of nearly 900,000 residents, the 58th largest metropolitan area in the country. As mentioned above, as of 2010, the unemployment rate in Albany is 7.8%, lower than the national average, and lower than any other major metropolitan area in New York State. Over one third of Albany residents have a Bachelor's Degree or higher. In 2010, Forbes ranked the Capital Region the 15th most innovative city. New Geography ranked Albany 17th for best medium city for job growth in 2010. In terms of green jobs and green technology, The Brookings Institute ranked Albany the national leader in green technology jobs. Moreover, the American City Business Journals ranked Albany 10th on the Green City Index.

In summation, the New York State Capital Region boasts: 1) a vast array of technical universities from which to recruit; 2) a large and highly educated population; 3) leading role in green technology with many green professionals based in the area; and 4) a large local workforce of science, technology, and legal professionals. Moreover, the reasons provided above regarding retention of Examiners will also help to recruit them as well.

4. A satellite office in the New York State Capital Region would decrease the number of patent applications awaiting examination. Furthermore, this will improve the quality of patent examination.

Satellite United States Patent and Trademark Offices would help to decrease the number of patent applications awaiting examination. Having access to meet with an Examiner face to face to discuss a patent case is highly advantageous to reducing the length of the Examination process and improving the quality of patent examination. Thus, the location that provides the greatest access to the largest number of applicants, in our view, would be the most beneficial in decreasing the number of patent applications awaiting examination. As described above, a satellite patent office in the New York State Capital Region would provide much easier access to applicants in New York, Massachusetts, Vermont, New Hampshire, Rhode Island, and New Jersey. Due to the highly innovative and highly compact geographic nature of this location, a satellite office in the New York State Capital Region will provide access to the most Applicants to decrease the burden on the Patent Office and improve the quality of patent examination.

In sum, **the USPTO should locate a satellite office in the Capital Region.** The Capital region of New York is a premiere site for high tech business and research, and hosts a vibrant and actively engaged intellectual property community. In addition, it offers proximity to major geographic markets, a highly qualified technical workforce, outstanding educational opportunities, a stable business environment, and excellent quality of life at an affordable cost of living.

We at SOW look forward to the opportunity to provide further comment and, if appropriate, to participate in roundtables in order to elaborate on the factors that New York's Capital Region a great place to live and work. Below, we have provided a bulleted summary of some of the area's

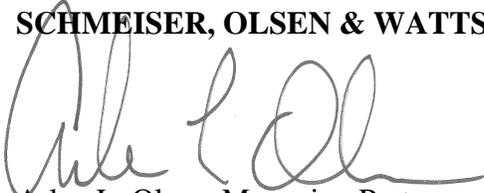
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most important benefits. In addition to us at SOW, others who live and work in our community have also filed a letter of support for the Capital Region, showing that many in the Capital Region share a common goal.

Please feel free to contact us with any questions or feedback.

Sincerely,

SCHMEISER, OLSEN & WATTS, LLP

A handwritten signature in black ink, appearing to read 'Arlen L. Olsen', written in a cursive style.

Arlen L. Olsen, Managing Partner

aolsen@iplawusa.com

Enclosure

Industry Leaders in Albany

- General Electric Energy & General Electric Global Research Center
- Global Foundries - Advanced Micro Devices
- Momentive Performance Materials
- Regeneron Pharmaceuticals
- Plug Power
- Angiodynamics
- AWS-True Power
- Sabic Innovative Plastics
- Albany Molecular

Universities in the Capital Region

- Suny Albany College of Nanoscale Science and Engineering
- Suny Albany Center for Excellence in Cancer Genomics
- Rensselaer Polytechnic Institute
- Union University
 - College of Pharmacy
 - Albany Law School

Government Research Center

- NY State Wadsworth Center

65,260 Patent Applications filed in NY State from 1999 - 2009

- Manny Schecter (Chief Patent Counsel for IBM) indicated that IBM's Northeast U.S. facilities, alone, filed more than 3000 patents last year (2011) and the New York Capital Region is centrally located to those facilities.

Quality of life in the Capital Region

- The cities of Albany, Saratoga Springs, Schenectady and Troy and their surrounding communities make up the Capital Region and heart of Tech Valley.
In 2010, Forbes ranked the Capital Region:
 - the 9th best place to raise a family in 2010,
 - the 15th most innovative city, and the
 - 30th best bang-for-the-buck city.
- New Geography ranked Albany 17th for best medium city for job growth in 2010.
- American City Business Journals ranked Albany 10th on the Green City Index.
- In 2009, Forbes ranked Albany 21st for strongest housing market.
- The cost of living in Albany is just slightly higher than the national average, however it is much lower than Northeastern metropolitan cities.

- Over one third of Albany residents have a Bachelor's Degree or higher.
- The average household income is \$45,000.
- The average commute time is 21 minutes, below the national average.
- As of 2010, the unemployment rate in Albany is 7.8%, lower than the national average, and lower than any other major metropolitan area in New York State
- The Albany-Schenectady-Troy metropolitan area consists of nearly 900,000 residents, the 58th largest metropolitan area in the country.
- Area Lifestyle perks:
 - Adirondacks
 - Snow Skiing
 - Camping and other outdoor recreation
 - Saratoga
 - One of many points of nearby historical interest
 - Racetrack
 - Saratoga Performing Arts Center (NYC Ballet, Philadelphia Symphony)
- Albany is an “official Port city”
- Located along the Northeast Corridor for trade – one of only 5 trade corridors in the US
- Albany is the closest major city to the Canadian patent office – it is also close to Montreal
- The Brookings Institute ranked Albany the national leader in green technology jobs.
- Albany hosts an IP and Technology Inn of Court (the only Inn of Court that includes both attorneys, as well as technical professionals) focused on IP law
- Northern District of NY is IP savvy
- Two of the Judges on the Fed Circuit graduated from a local university (Lynn and Gajarsa graduated from RPI)
- Albany is the governmental seat of the state of NY

- Over 80 patent attorneys and agents in the Capital Region

Government Offices in Albany

- Federal Highway Administration
- Federal Bureau of Investigation
- Department of Justice
- Department of Homeland Security
- Veteran's Affairs Department
- U.S. Attorney's Office for the Northern District of New York\
- NY State Legislature
- NY State Executive Office

Nearby Technology Centers

- New York City
 - Google, Northrup Grumman, Pfizer, Alexion Pharmaceutical, Hess, Bell Labs, Verizon, TimeWarner, Viacom
- Boston
 - MIT, Cambridge, and Harvard
 - Analog Devices, EMC Corp, Raytheon, Parametric Technology Corp.
- Syracuse, NY
 - Syracuse University, Suny Upstate Medical University
 - Lockheed Martin, Bristol Meyers Squibb. Syracuse Research Corp., Magna International
- Rochester, NY
 - University of Rochester, Rochester Institute of Technology
 - Kodak, 3m, Xerox and IBM
- Burlington, VT
 - IBM Research Park
- Hartford, CT
 - US Firearms, United Technologies
 - University of Connecticut
- Ottawa, Canada
 - Canadian Patent Office

Transportation Services

- The Albany International Airport is the major air center for the Capital Region, Northeastern New York and Western New England. The airport recently completed a multi-million dollar capital redevelopment project, and is undergoing a five-year \$232 million Capital Plan to improve and maintain safety and needs of travelers and air carriers. The airport has 75 arrivals and departures daily.
- Numerous bus routes throughout the Capital Region
- Three rail stations in and around Albany
- Rail lines and major interstate highways connect all the major metropolitan areas such as New York City, Boston, Montreal and Buffalo.