

# PITTSBURGH INTELLECTUAL PROPERTY LAW ASSOCIATION

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January 20, 2012

## VIA FIRST CLASS MAIL

Mr. Azam Khan  
Deputy Chief of Staff  
United States Patent and Trademark Office  
Mail Stop Office of Under Secretary and Director  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: PTO-C-2011-0066: Nationwide Workforce Program

Dear Mr. Khan:

I am writing to you as the 2011-2012 President of the Pittsburgh Intellectual Property Law Association ("PIPLA"). PIPLA, an organization of approximately 300 individuals, is dedicated to providing a forum in Pittsburgh for the consideration and exchange of views upon subjects affecting patents, trademarks, copyrights and other intellectual property laws and the administration thereof. Our membership is wide-ranging, and includes law students from the two law schools located in Pittsburgh, Pittsburgh-based intellectual property law practitioners (both outside counsel and in-house counsel) and all of the judges of the District Court of the United States for the Western District of Pennsylvania as honorary members. The purpose of this letter is to provide written commentary as requested by the United States Patent and Trademark Office on November 22, 2011. See 76 FR 73601. PIPLA encourages and fully supports the creation of a USPTO satellite office pursuant to section 23 of the America Invents Act in Pittsburgh, Pennsylvania.

While you are no doubt receiving information about the amenities that have led to Pittsburgh being named the Most Livable City in America two times in a row – the only place to earn this honor twice (*Places Rated Almanac*), allow me a moment to introduce you to Pittsburgh through the eyes of an IP practitioner.

First, Pittsburgh is a destination city when it comes to obtaining a first-rate education. There are 32, four-year, public and private colleges and universities in the Pittsburgh area.

Pittsburgh and the surrounding region are home to strong engineering and other science-based programs at Carnegie Mellon University, Duquesne University, multiple satellite campuses of Penn State University, the University of Pittsburgh, Saint Vincent College, Seton Hill University, Washington & Jefferson College, West Virginia University and Wheeling Jesuit University, to name a few. Both Carnegie Mellon and Pitt are tier-one research centers, and Carnegie Mellon is also a designated Patent and Trademark Resource Center. Wheeling Jesuit is home to the Robert C. Byrd National Technology Transfer Center. Moreover, Duquesne University, Penn State University and the University of Pittsburgh offer law programs—and many of their graduates choose to stay and practice in Pittsburgh. For those of us who did not attend local law schools, many still return to Pittsburgh to practice (as I did), given the thriving corporate community here.

The wealth of educational programs is feeding an industrial renaissance in Pittsburgh, furthering Pittsburgh's long-standing tradition as a manufacturing and heavy industry powerhouse. Pittsburgh is constantly expanding its role as a leader in the development and implementation of technologies ranging from state-of-the-art robotics to revolutionary medical devices to energy industry applications. The Pittsburgh region is home to nearly 120 corporate research centers, including Bayer Chemicals and Plastics, Westinghouse Science and Technology Center, US Steel Technical Center, Lockheed Martin Cyber Security, Ansys, Allegheny Ludlum and many more. Over 15 major government research centers, including the Department of Energy's Bettis Atomic Power Laboratory, the Department of Defense's National Tissue Engineering Center and the Department of Defense's Software Engineering Institute, likewise call Pittsburgh home. Pittsburgh-based public corporations expended over \$1 billion in research and development in 2010 alone.

Dedicated research and development facilities only tell part of the story, though. Pittsburgh manufacturers employ almost 100,000 workers and the region is the second-largest market in the United States for metals industry employment. Once the heart of steel production, Pittsburgh has become a global center of advanced manufacturing engineering, technologies and systems. The region is home to such global corporations as Alcoa, Ansys, Apple, ATI, Bayer, Black Box, Eaton, GlaxoSmithKline Consumer Healthcare, Google, Intel, Kennametal, Koppers, LANXESS, Mylan, Nova Chemicals, H. J. Heinz, PPG Industries, United States Steel and Westinghouse Electric. These companies benefit from a tech-savvy talent pipeline and the support of organizations that nurture the region's growing knowledge-based economy.

Complementing the manufacturing sector are a host of service-industry businesses. Pittsburgh remains a leading financial center, with major institutions including BNY Mellon, Citizens Bank, Federated Investors, Highmark, and PNC headquartered or basing major business units here. Pittsburgh's health services sector has almost tripled in size since 1979, creating more than 100,000 jobs and building on a legacy of biomedical innovation to create a robust industry network that is cultivating life-saving technologies and advances in medical devices, regenerative medicine and pharmaceuticals. UPMC has grown into the region's largest employer and an \$8 billion global health enterprise.

With top-notch education and diverse occupational clusters, it should come as no surprise that Pittsburgh is home to a thriving legal community—including a significant segment of practitioners focused on identifying and protecting intellectual property advancements. Specialized intellectual property law firms, such as The Webb Law Firm, and large, international firms such as Jones Day, K&L Gates and Reed Smith all maintain operations in Pittsburgh and each have significant patent prosecution practices. A search of the USPTO database revealed that 299 registered patent attorneys/patent agents reside in Pittsburgh. This figure does not include those from the greater Pittsburgh region. This significant population of patent prosecutors helps to account for the number of patents issued to inventors in this region. From 2006-2010, 2,920 patents issued to Pittsburgh-based inventors. Expanding the scope of analysis to include a 300 mile radius around Pittsburgh, the number of issued patents jumps to 28,536, reflecting patents from metropolitan areas in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia. Pittsburgh is centrally located such that all of these areas would be able to easily access a satellite office here.

As a result of the education, business and legal resources in this region, Pittsburgh could serve as a tech center for a host of specialties, including: 2100 (Computer Architecture, Software & Information), 2400 Networks, Multiplexing, Cable & Security) and 2600 (Communications). Indeed, some of these specialty areas have the highest application pendency rates at the USPTO.

In addition to patent prosecution, practitioners and the courts alike are especially interested in patent litigation. Pittsburgh is situated in the Western District of Pennsylvania – a leader among the federal courts in focusing on IP issues through innovative programs. Following up on the enactment of specialized local patent rules in 2005 to govern patent cases filed in the District, the Western District of Pennsylvania was recently selected as one of fourteen jurisdictions nationwide to participate in the Patent Pilot Program. In addition to the incentives for resolution created by the local patent rules and the anticipated benefits of the Patent Pilot Program, the Western District has two additional programs, which are generally applicable to civil litigation matters and not just patent cases that aid litigants in assessing the strength of their litigation positions early on. First, the District has created a mandatory Alternative Dispute Resolution (ADR) program that requires litigants to participate in one of several dispute resolution options to attempt to resolve cases at the beginning stages of litigation. Secondly, this District is the first and only district court in the nation to create an E-Discovery Special Master program that will provide assistance to the bench and litigants alike to deal with one of the most contentious and expensive aspects of modern litigation—electronic discovery. Combining these specialized rules with other programs unique to the Western District of Pennsylvania allows for tailor-made case management in an efficient and consistent manner. The goal of all of these programs is to adjust to the changing realities of patent litigation. The development of these

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programs is possible due to the existence of an interested and proactive bench that works with members of the bar to creatively tackle concerns as they arise and foster an air of civility and collegiality, which, in coordination with the specialized rules and procedures, only adds to the ability to timely-resolve disputes.

PIPLA would welcome the opportunity to work with the USPTO to create any programs or other incentives to assist with the recruitment and retention of Examiners in our region. Pittsburgh, and more specifically, the Pittsburgh IP community, is truly something special, but something that you need to witness to appreciate. Accordingly, I invite you to attend any of the events hosted by PIPLA (our schedule is located on our website at [www.piplaonline.org](http://www.piplaonline.org)), to get a sense of the innovative, entrepreneurial and friendly spirit that typifies Pittsburgh. We'd be happy to provide any further information to you, or answer any questions that you may have.

Very truly yours,



Cecilia R. Dickson  
President, Pittsburgh Intellectual  
Property Law Association