

**From:** Patrick O'Shea

**Sent:** Monday, November 05, 2012 11:01 AM

**To:** fitf\_rules

**Cc:** Rae K. Grad; Gayatri Varma; Anne R. Bowden; Susan M. Pesce; Denise J Clark; Brian P. Darmody; jhughes@umaryland.edu

**Subject:** U. Maryland Comments on Proposed FITF Rules

Ms Susy Tsang-Foster,  
Legal Advisor, Office of Patent Legal Administration  
USPTO  
Alexandria, VA, 22313-1450,

Dear Ms Tsang-Foster,

As the Vice President and Chief Research Officer for the University of Maryland, College Park, I would like to submit comments on the United States Patent and Trademark Office (USPTO) proposed rules regarding implementing the America Invents Act (AIA).

As you know, a consortium of higher education associations, including the Association of American Universities (AAU), the Association of University Technology Managers (AUTM) and other associations have expressed their concerns about the proposed regulations implementing the one year grace period for filing patent applications. (See attached, October 5, 2012 comments submitted by AAU, COGR, AUTM, et al. to USPTO)

As a member of many of these associations, and as a major public research university, we share the concern that the proposed regulations may narrowly tailor the effective use of the one year grace period by institutions of higher education and other patent filers.

The need to disseminate new knowledge and bring the benefits of discoveries to the public is critical to higher education, and we hope that the USPTO will take into account the collective views of the higher education associations as it considers the implementing regulations for the AIA, especially regarding the one year grace period.

Thank you for the opportunity to comment on the proposed USPTO rules. The University of Maryland looks forward to working together with the USPTO to implement the legislation in a manner to ensure that the products of innovation are put to work while protecting the interests of our nation's universities.

Professor Patrick G. O'Shea, FIEEE, FAPS, FAAS  
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November 5, 2012

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Legal Advisor  
Office of Patent Legal Administration  
United States Patent and Trademark Office  
Alexandria, VA 22313-1450

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Sincerely,

Patrick G. O'Shea

Vice President & Chief Research Officer

PGO/smp

Tel: 301 405 4175

[www.research.umd.edu/about/bio.cfm](http://www.research.umd.edu/about/bio.cfm)

