

From: Nickolaus Leggett [e-mail address redacted]

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To: ai_a_implementati on

Subject: PATENTS - Prioritized Examination and Fee (Track 1)

To: Mr. Hiram Bernstein, Senior Legal Advisor, Office of Patent Legal Administration

Comments from Nickolaus E. Leggett, independent inventor, on Prioritized Examination and Fee (Track 1)

The Leahy-Smith America Invents Act passed by the United States House of Representatives (H.R. 1249) includes the new Prioritized Examination system (aka Track 1). Under Track 1, applicants pay an additional fee and have their patent application considered at a greatly accelerated rate.

This accelerated system involves a separate queue of applications that is processed at a much faster rate than the queue of applications that are processed at the routine rate.

The United States Patent and Trademark Office (USPTO) should issue a public document that describes how this new system can operate without prior art being "lost" in the slower queue. For example, one can imagine an application for an invention being filed in the routine processing queue. Then later another inventor files an application for the same invention in Track 1. We do not want a situation where the second inventor's application is approved while the first inventor's application is sitting in the routine processing queue awaiting examination.

The USPTO needs to describe in a clear and rigorous manner why this negative situation cannot occur with Track 1 applications. This description should include a detailed examination process model that shows how the prior art in the slower queue is considered in the examination of the Track 1 application. This will allow potential patent applicants to understand and trust the operation of Track 1.

Respectfully submitted,

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Appendix A - My background

I am an individual independent inventor holding three U.S. Patents. My latest patent is a wireless bus for computers and other digital devices (U.S. Patent # 6,771,935). I am also a certified electronics technician (ISCET and iNARTE) and an Extra Class amateur radio operator (call sign N3NL). I have a Master of Arts degree in Political Science from the Johns Hopkins University (June 1970). In addition, I am a professional technical writer.

My experience in amateur radio and electronics enabled me to invent a wireless bus for computers and other digital machines (U.S. Patent # 6,771,935). In addition, I have worked on other technical advances such as defining a "lighthouse protocol" for enhancing radio communications in the microwave frequency bands. I am also the inventor of a microwave-based insect killing system for greenhouse incoming air flows (unpatented).

Some of my document references are listed below:

Unti tled

United States Patent 6,771,935, Wireless Bus August 3, 2004 United States Patent
3,280,929 Ground-Effect Machine October 25, 1966 United States Patent 3,280,930
Ground-Effect Vehicle October 25, 1966

"Demonstration and Development of Amateur Radio Applications of Natural Vacuum Electronics"; Nickolaus E. Leggett, N3NL - 22nd AMSAT Space Symposium and Annual Meeting October 8-10, 2004 in Arlington, Virginia

"A 'Lighthouse' Protocol for Random Microwave Contacts", Nickolaus E. Leggett, N3NL, QEX The Experimenter's Exchange – Technical Notes July/August 2004 – American Radio Relay League, Newington, CT.

I am an author, with my wife Judith F. Leggett, of numerous peer-reviewed papers on controlled-environment agriculture. Judith is an agricultural expert. We presented these papers at space engineering conferences.

I have submitted over 200 regulatory documents in rule making dockets at the Federal Communications Commission. These documents of mine are accessible online on the Internet at the FCC Electronic Comment Filing System (ECFS). In addition, I have filed regulatory comments at the EPA, FAA, and the TSA. These comments are accessible on the Regulations.gov web site.