

From: Nickol aus Leggett [e-mail address redacted]
Sent: Thursday, September 08, 2011 10:56 AM
To: ai_a_implementation
Subject: Patents: Third Party Preissuance Submissions, 35 U.S.C. 122

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

Comments from Nickol aus E. Leggett, independent inventor, on Third Party Preissuance Submissions, 35 U.S.C. 122

The Leahy-Smith America Invents Act passed by the United States House of Representatives (H.R. 1249) includes the following aspect:

“(e) Confidentiality. - Upon written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential.”

This option could lead to an abuse of the system where certain parties use preissuance submissions as a means to disable or sabotage an application's claims. The general public will not be able to effectively monitor such attempts because the offending parties can keep their identity confidential.

As a result of this, the United States Patent and Trademark Office (USPTO) itself will have to police the use of the preissuance submissions. One way to do this is to have a confidential data base available to the patent examiners listing all of the parties who have submitted confidential documents along with references to the patent applications receiving their submissions. This data base would allow the examiners and other patent office staff to determine who is regularly submitting confidential submissions. This would assist the discovery of any abuses of the system.

In addition, the USPTO should have an annual investigation of the confidential submissions to determine if any abuses of the confidential submissions are occurring.

Respectfully submitted,

Nickol aus E. Leggett
U.S. Patents 3,280,929; 3,280,930; 6,771,935
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September 8, 2011

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:

Untitled

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"; Nicholas E. Leggett, N3NL - 22nd AMSAT Space Symposium and Annual Meeting October 8-10, 2004 in Arlington, Virginia

"A 'Lighthouse' Protocol for Random Microwave Contacts", Nicholas 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.