

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Comment on Proposed Plan for
an Electronic Search Facility

#17
5/17/02

ATTENTION: Ronald Hack, Deputy CIO for ITS

Dear Sirs/Madams,

I am an independent patent attorney and an independent patent searcher. My direct clients include IBM Corp. and Whirlpool Corp., and my indirect clients include Toyota Motor Co. and Honda Giken KK (whom I work for through the patent firm NGB Corp. in Tokyo, Japan).

I would like to comment on the U.S.P.T.O.'s misleading statement regarding "mature and reliable electronic search systems" that are available in the public search facilities which, in the U.S.P.T.O.'s view, renders the paper collections superfluous.

The electronic search systems in the public search facilities are neither mature nor reliable. The systems are constantly being changed in an effort to make them work properly, and are constantly plagued with bugs and instabilities.

For the sake of brevity, I will limit myself to issues which have arisen in the last two weeks. I will also limit myself to a discussion of the EAST system, though in terms of fiascos, I could just as easily address WEST (described by the *Washington Post* as "the computer system from hell"), CASSIS2 (a classic example of replacing an excellent CD-ROM system with a newer and virtually useless DVD-ROM system) or the new PALM system. In each instance, the current PTO system is less stable and less functional in significant ways than the system which it replaced.

IN THE LAST TWO WEEKS OF EAST:

- As verified by PTO staff, as of Tuesday, May 14th, the bibliographic "classification data" for pre-1971 U.S. Patents was no longer available on EAST. Classification data is vital to the searching of patents. It was postulated that the loss of the pre-1971 classification data in EAST may have been related to the attempted incorporation of the long overdue [pre-1971] "OCR" file into WEST.

- The entire EAST system in the public search facility crashed on Friday, May 10th at 9:10 am. The crash was called in by PTO staff, and the PTO staff was assured that it would only take "15 to 20 minutes to get the service back up". Handwritten signs were posted by the PTO staff that EAST was experiencing "global" networking problems. These signs were still posted when I left the search facility around noon.

- During the week of May 6th to May 10th, the following search engine error in EAST was reported and verified by PTO staff: when a search for patents issued to U.S. inventors is conducted in the USPAT database with the queries "us.inco." or "us.incc.", EAST indicates that

a total of three (3) patents satisfy the criteria! (Actually, upon follow-up by PTO staff, it appears that one of the three patents returned by EAST was invented by persons from the old U.S.S.R. in the 1970s!)

- During the week from May 6th to May 10th, the following search engine error in EAST was reported and verified by PTO staff: when a search by document number (e.g. "3900004.pn.") is conducted while in the USPAT and EPO files simultaneously, and when the number corresponds to both a U.S. Patent and a German Application, once you view the U.S. Patent, if you try to retrieve the image for the German Application, EAST instead returns the image of the U.S. Patent while retrieving the bibliographic information for the German Application. (This seems to be an temporary networking or caching glitch, and happens most of the times on most UPWS terminals, including staff terminals.)

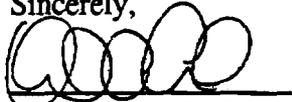
- A large proportion (greater than 50%) of Japanese patent images were unavailable for display on EAST on Friday, May 3rd and Monday, May 6th.

- The basic graphical user interface for EAST was changed in the last two weeks. The change incorporated no perceptible improvements, but it did take several steps backwards. Previously, the patent list screen in the upper left-hand corner would display both the patent number and the patent title; seeing the title in this screen facilitates browsing. Now the default patent list screen displays the patent number, kind code, database source, and issue date. The "kind code" and "database source" are much less informative than the title, and users must now change the default patent list screen manually to show patent titles.

- When flipping pages, EAST hangs now much more than it did when it was implemented. When it was implemented in 2000, EAST could flip pages at under a second a page semi-consistently. Now, when "autoflip" is set, minimum page flip times that can be achieved by the system are often 1.8 seconds per page, *or more*. This is not an acceptable flip rate for browsing. When paper patents are flipped, human dexterity can achieve flip rates of under 0.5 seconds per page. During "picture" searches, it is often necessary to flip though many thousands of drawing pages looking for a particular design, and a 1.8 second flip rate achieved by EAST literally adds hours to the required searching time.

I am not sure what would lead U.S.P.T.O. officials to allege that EAST is a "mature and reliable" system. I do hope it is out of ignorance (and not out of a desire to deceive) that this statement has been made. I would, however, caution U.S.P.T.O officials not to make such a statement to the Congress.

Sincerely,



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