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October 16, 2006

VIA EMAIL: STRATEGICPLANNING1@USPTO.GOV

Strategic Plan Coordinator
U.S. Patent and Trademark Office
600 Dulany Street, Madison East, Room 10D31
Alexandria, VA 22313-1450

Re: Comments on U.S. Patent and Trademark Office's Draft Strategic Plan for FY 2007 - 2012

Dear Sir:

Thank you for asking for comments on the U.S. Patent and Trademark Office's ("USPTO") draft Strategic Plan for FY 2007. The USPTO is to be commended for attention to Intra-Office reform, seeking patent community input regarding quality of patent prosecution and increasing awareness of the importance of intellectual property rights, and supporting efforts to strengthen IP protection, especially internationally.

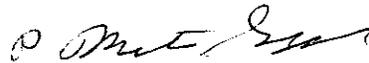
With respect to an alternative examination system, it is suggested that some of the workload of the USPTO can be lightened by a deferred examination system to permit applicants to file their patent applications. At the same time applicants can request that examination be deferred up to a maximum limit of several years. To encourage participation in deferred examination, the requested deferral should be without penalty for dilatory practices in determining term extensions. In this way the individual inventor, the small business and the nonprofit organization such a university can file to preserve rights but at the same time have a period of time to seek financial support from others to further the development of the invention. These applicants have limited funds to address fees and costs without licensee or other support and will be placed at a significant disadvantage in instances where a first-to-file system, if passed, forces a race to the USPTO. Given the importance of innovation to the nation among these applicants, it is respectfully submitted that the nation can benefit from increased effective access to patent protection for these applicants, and USPTO can benefit from applicant-requested deferred

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examination. The USPTO would not have to use its limited resources in examining patent applications where the applicant chooses not to pursue examination by the time deadline. In the case of a university, a several years delay can help determine whether a patent application is likely to be licensed or not, thus informing the decision on whether the costs of a patent application are deemed economically justified.

Once again, thank you for this opportunity to comment.

Sincerely,



P. Martin Simpson, Jr.
University Counsel

cc: Executive Director Tucker

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