

From: willepaul@worldnet.att.net
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To: eReference
Subject: Failure to Supply Copies

(1) The business press suggests that this country is heading toward a "service" economy. If true, people have to know how to be good servants. The PTO provides a constitutionally mandated service. A servant who refuses to perform his duties should be fired, not congratulated for saving money. A good servant asks how to do more or how to perform better, not how to do nothing.

(2) All six million plus U.S. patents are presently available in .tif format, the standard in the legal community. When a government agency mandates a switch from a non-proprietary technology (.tif format) to a proprietary technology (.pdf format), the aroma of pay-off fills the air. I believe that the matter should be investigated by the GAO if not DOJ.

(3) The .pdf format locks the files so that the text image cannot be converted to text, as can be done with .tif files.

(4) The .pdf format locks images so that a single figure cannot be selected from a patent and incorporated into a letter to a client, for example.

(5) There is no net savings when a function that was performed internally is foisted upon the business community. Instead of one hundred people providing patent copies, one will have twenty or fifty times that many performing the same function.

(6) When an Office Action arrives, it is (usually) ready for analysis. The proposal adds delay to the process but does not change the period for response.

(7) The proposal presupposes an up-time and an accessibility that may not be realistic.

(8) The government, including the PTO, is the servant of all.

"the Office urges applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access."

Are you kidding me? Is the pro se applicant really expected to do all this? Where is the reality check? All this plus deciphering an Office Action and mailing a response within three months from the date of mailing of the Office Action?

I don't think so.

(9) What happened to Rule 2 ("All business with the Patent and Trademark Office should be transacted in writing.")? Requiring internet access and electronic documents as the sole means of communication is clearly not in compliance with the Rule. The PTO should follow its own rules.

(10) On the substantive side, the PTO is reportedly struggling with a "let the courts sort it out" attitude. Apparently the philosophy of externalizing problems extends to the administrative side of the PTO as well. Externalizing problems is not good management. New management is necessary.

(11) The proposal is strangely silent on how the .pdf files are/were generated. Any conversion from another format can only deteriorate the image. Is the Office proposing to re-scan all six million patents to .pdf format? Where are all the .pdf files coming from?

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