



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

AUG - 1 2008

Mr. Tom Bakos  
P.O. Box 2006  
Ridgway, CO 81432

Dear Mr. Bakos:

Thank you for your letter of July 22, 2008, to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), Mr. Jon W. Dudas. Your letter has been referred to the Office of the Commissioner for Patents for response.

In your letter, you wish to provide constructive feedback and encourage process improvements based upon your experience in prosecuting your patent applications. You propose three solutions which could benefit the patent examination process and request the Office to review and consider your recommendations.

As to your initial recommendation to expand the degrees and areas of study that qualify an individual to become a patent examiner, the USPTO appreciates the significance of this proposal. We have been actively working with the Office of Personnel Management (OPM) since 2006 to revise the Patent Examining Classification Standard and allow the USPTO to hire qualified candidates in areas such as actuarial science and finance for the business methods area. We are in the final stages of implementing this revision and hope to begin the hiring of these candidates very soon. The USPTO will be evaluating this pilot program for its productivity and quality of patent examination.

As to your second recommendation to retain experts to assist patent examiners in particular technology areas, the USPTO recognizes this challenge. One initiative that we have been pursuing is a new position called the Chief Scientist position. It is envisioned that this new position will provide a valuable resource for training patent examiners in the cutting edge technologies that they are reviewing in patent applications by allowing the USPTO, under the provisions of the Intergovernmental Personnel Act, to hire experienced employees of State and local government agencies, institutions of higher education, Indian tribal governments and other not-for-profit organizations. The Chief Scientist qualifications include a Ph.D or equivalent experience in the physical sciences, electrical engineering, or a closely related field. The USPTO recognizes the necessity to provide expertise on state-of-the-art and current technologies and will continue to advocate the usage of technology fairs, guest lecturers, trainers and instructors, along with the Chief Scientist position, to assist in this effort.

As to your final recommendation to utilize a method to allow pending patent applications public exposure, the USPTO has recently extended and expanded its Peer Review Pilot Web site to include the technologies of business methods. This Web site allows a limited number of volunteer applicants, who filed or will be filing applications in the field of computer technology and in the field of data processing, financial business practice, management, or cost/price determination (otherwise known as business methods), to have the opportunity to consent to the placement of their published applications into this pilot. A collaborative review enables members of the public to pool together their knowledge and locate potential prior art. This pilot will test whether such collaboration can effectively locate prior art that might not otherwise be located by the Office during the typical examination process. More detailed information is accessible from the USPTO Home page and is located at:  
<http://www.uspto.gov/web/patents/peerpriorartpilot/>.

Once again, I thank you for your interest and recommendations, and I continue to look forward to working with our Patent and Trademark customers.

I hope this letter addressed all your concerns. If you have any further questions relating to this matter, please contact Deborah Stephens at (571) 272-8800.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Wiley', with a long horizontal line extending to the right.

David Wiley  
Office of the Commissioner for Patents