

From: Robert McDermott [email redacted]

Sent: Thursday, April 23, 2015 5:34 PM

To: WorldClassPatentQuality

Subject: Improved Patent Quality - Poor Examiners

Dear Sir or Madam,

I applaud your efforts with regard to improved patent quality.

I have been a patent attorney for almost 20 years, and I have prepared well over 2000 responses to Office actions during that period; before that, I had over 25 years as an engineer and engineering executive.

I believe that the majority of patent examiners are dedicated professionals who endeavor to assure that only claims to novel and inventive inventions are allowed to issue. Some are better than others, but that is to be expected.

On the other hand, with some experience, it is very easy to identify patent examiners who are lazy or incompetent, or both. I've come to recognize their names, and cringe whenever I see that they have been assigned to one of my cases. I have frequently used the Ombudsman program to resolve issues with these examiners, but I do not know that this process serves to improve their performance over the long term.

I strongly suggest that in your plan of action for improving examiner performance, you include a means for receiving feedback from patent practitioners, both positive and negative. Even if its only used to gather statistics, I am certain that you will find that a certain group of examiners are in the set that consistently receive positive feedback, and another group of examiners are in the set that consistently receive negative feedback.

Additionally, if you provide some recognition for receipt of positive feedback, I think you would be providing a strong incentive for striving for 'stakeholder satisfaction'.

I recognize that there is a risk of some examiners allowing questionable claims, in order to potentially receive positive feedback, but I believe that most practitioners would take a more professional view of the matter, and give positive or negative feedback when it is deserved, regardless of the state of the claims.

Sincerely,

Robert M. McDermott, Esq.

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