ATTN: Nicholas A. Fraser
Comment to: "Submission for OMB Review; Comment Request; Patents External Quality Survey," Title: Patents External Quality Survey. OMB Control Number: 0651–0057, Notice appears at 16006 FR 84, published 4/17/2019

Dear Marcie Lovett and Nick Fraser,

I second everything Rick Neifeld wrote and more.

I just spent over 10 minutes trying to find the referenced Notice on the USPTO website.

All News and Updates has absolutely zero records for Patents (https://www.uspto.gov/about-us/news-updates#topic-patents).

Under Patent Announcements (https://www.uspto.gov/patent/patent-announcements), it seems the last announcement relative to patents, was December 15, 2014, i.e., the 2014 Interim Guidance.

Anyway, I finally found the USPTO link to the Federal Register Notices, and then Notice.

I understand that the information to be collected is to determine patent *examination quality*.

Assuming the information proposed to be collected is the sample Rick provided, i.e., https://www.uspto.gov/sites/default/files/documents/Sample%20External%20Survey%202017.pdf

I believe the proposed questions are overly simple and basic such that a true understanding and measure of patent examination quality cannot be had from the collected data. Additionally, I believe it is unlikely that any data resulting therefrom can be used to determine exactly what issues and problems need to be addressed to improve examination.

First, biotech (TC1600) and chemical (TC1700) inventions/applications are vastly different and so is the quality of examination I observe. Not only do I file a significant number of applications in both TC1600 and TC1700, I also file and personally prosecute a good amount of applications in the mechanical arts. Each TC seems to have different issues/problems with patent examination quality. Thus, I recommend that the survey have branching logic/questions that enables one to provide input specific to different TCs. For example, Q2 should have each individual TC listed separately and allow multiple TCs to be selected. If multiple TCs are selected one should be able to have the option to provide input on all selected TCs generally, or on one or more individual TCs. Thus, if I click TC1600, TC1700, and TC3700, I then have a question that ask if I want to provide input on all the selected TCs generally or on individual TCs. For example:

How do you want to provide input:
  - o   On all the selected TCs collectively
  - o   One or all the selected TCs individually

If I select the second choice, i.e., TCs individually, I can answer one set of questions for each TCs separately. Of course, this would take more time on my part, but I would do so as the quality of examination has significantly decreasing for at least 6 months in several different art units for several different reasons.

The Questionnaire should also allow one to skip questions so that one can provide selective input without being forced to answer every question to submit input.

As for the overly simple and basic questions, the type of issues/questions that will provide a better measure of patent examination quality include:
- Reasonable interpretation of the claims
- Reasonable understanding of cited references/art
- Application of references/art from the view of a Person Having Ordinary Skill in the Art
- Applying only selected excerpts of a reference and disregarding how a PHOSITA would understand the excerpts in context of the complete reference disclosure
- Consideration of all limitations of a claim
- Grammar, Writing, and English competency
- Use of applicable/appropriate boilerplate paragraphs
- Understanding of and appropriate citations to the MPEP
- Understanding the difference between recommendations and requirements in the MPEP
- Understanding of and appropriate citations to case law
- Conclusory statements without providing logical analyses
- Using the exact same rejections of a prior Office Action in a subsequent Office Action, which does not address applicant's arguments and amendments or simply states that the applicants arguments and amendments are unpersuasive
- Improperly making Office Actions final, e.g., where claim amendment did not change the scope or meaning, or where no claim amendment and the Final Office Action recites a new rejection.
- Issuing Advisory Actions that recite new art or rejections but refuse to enter applicant's amendments and arguments

I also recommend that each section allow one to provide open ended input like Q13.

Also, the exemplary questionnaire and Notice do not indicate whether the submissions will be anonymous.

Thank you for your time, consideration, and ability to comment on the Notice.

Best regards,
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