

SAMSON HELFGOTT

RESPONSE TO FEDERAL REGISTER INQUIRIES

1. As a starter, adherence to each of the issues in the Roadmap would be useful. Additionally, getting the PLT put into place is a necessity.
2. As far as my clients are concerned, PCT is most useful as an ability to buy time. However, as a side benefit, a good quality search is useful.
3. Outsourcing has reduced the time lag for the ISR. However, the quality is questionable. Furthermore, the mere fact that you have a different person examining the PCT from the one that examines the US application, already places PCT as a "step child". They both must be treated by the same examiner.
4. Quality subcontractors could be useful. However, they should be used the same way for USPTO and PCT searches. You should not treat one different than the other. Doing so automatically creates a second class citizen out of the PCT.
5. Including PCT in PPH is great. It should be encouraged more. However, there are "rumors" that the contractors have been discouraged to "allow" claims in the ISR/WO. If the rumors are correct, then we will never have a PCT application being able to go to the PPH.
6. To the extent that I knew that the search in the PCT phase would be the same as that used in the national phase (like Europe) then I would use ISA/US more often and would go into Chapter II to already start the prosecution, as they do in Europe. Otherwise, it is useless since even in US they will disregard the PCT search.
7. USPTO should be able to combine the international and national phase without having applicants designate early the national stage. Its simply a matter of assigning the national stage to the same examiner and keeping the international search for use in a "copy and paste" job at the national stage. This is the way Europe does it.
8. Stop treating PCT as a stepchild. Give it the same prominence and importance as regular USPTO work. Let the examiners feel that it is at least as important, and if not, even more important than a regular US application. Especially if you require the same examiner to accept his own work on PCT when it enters the national phase, you will force the examiner to do a good job on the PCT stage.
9. I have no problem getting the international search after 18 months to include the "top up" search. However, there should be a time limit involved such as by 20 months, at the latest.
10. Third party observations are always useful. They should be encouraged more in the USPTO and also in the PCT application.

11. Right now, where US does not accept its own outsourced work when the case enters the national phase, there is absolutely no use for an ISA/US search. I therefore choose Korea as it is timely, cheaper, efficient, and rather good. Probably better than the outsourced US/ISA.
12. Put in enough resources to provide timely notices as a Receiving Office should.
13. Put in more resources to send back filing receipts and other documents in a timely manner.