

## Nguyen, Laura

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**From:** Daniel Schwartz <schwartz@cs.fsu.edu>  
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**To:** aipartnership  
**Subject:** Comment

There is a persistent and growing problem with the USPTO that modern science and technology has evolved to such complexity that their patent examiners are no longer competent to give every conceivable patent application a fair and accurate evaluation.

The result is that patent applications are denied simply because the examiners that have been assigned to them cannot understand them. This causes the applicant to choose between entering into a very expensive appeal process or simply giving up. Whereas the initial filing fee is around \$1,000, the ultimate cost of an appeal can easily reach \$50,000.

This effectively shuts out inventors that cannot afford these costs, and thus has the overall effect of repressing innovation. This is bad for both the economy and the nation's effort to maintain international leadership in science and technology.

What is needed is for the USPTO to establish a network of university faculty and industry professionals that can be called upon to serve as examiners for patent applications submitted within their realm of expertise.

In addition, there needs to be a provision in the application process for the applicant to specify the type and level of expertise they consider necessary in order for their application to receive a fair and accurate evaluation.

Systems can then be implemented that use this information to pair applications with examiners. This same information can also be used to expand the network of examiners as new kinds of expertise become needed.

A petition to the US congress would likely be needed to provide funding for the development and maintenance of such a network, and a good case for this can be made that doing so is in the national interests.

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