Open Forum
PTRC 35th Annual Seminar, Monday, March 24th, 2014, 1:30-3 p.m.

Compiled by Suzanne Reinman, Secretary, PTRC

Moderator: Christine Kitchens, PTRC Program Manager

Panelists:

Martha Sneed, Director, Public Search Services Division

Ted Parr, Director, Public Information Services

Lyn Donaldson, Director, Collaborative Services Division

Donna Cooper, Director, Public Records Division

A comment was sent to the Open Forum regarding missing trademarks: Tom Tiedeman at USPTO has been working on a special project involving several work groups. Staff from the Boyers, PA remote storage facility and from the Trademark Office are working to scan images of trademarks that had missing information. Registrations that had no numbers are now in the system. 30,639 registration numbers that had no information are now available. 24,654 registrations were recovered from microfilm. 4,295 were verified or cancelled. 5,900 were left that had no recoverable information – probably withdrawn or cancelled.

Marian Armour-Gemmen, West Virginia University asked if they went into the Gazette and then into the registrations that were in the OG. Ted: All the recovered ones are in the OG. Those with no information were probably withdrawn after time of issue. Trademarks never kept an authority file.

Michael McCulley, Sand Diego Public Library asked if these were official images. Ted: they were able to identify these in the bound volumes.

John Schlipp, Northern Kentucky University asked about the time period that these trademarks spanned? Ted: from day one, 1880 to the last 10 years.

Martha Sneed, USPTO said that those going on the tour of the public search facility should ask to see the Official Trademark Register which includes trademarks from the beginning. This is the authority file for trademarks. Copies cannot be made from it.

Jim Miller, University of Maryland said that Russ Allen has made an OCR of the 600,000 trademarks that are not in TESS. Would searchable text be possible? Ted said that he does not have plans to do this.

Q1. Nancy Spitzer, Madison, WI: There is a new nationwide pro bono program for legal assistance - 20 states have pro-bono. What is the status of this in states that do not yet have this program?

A1. Chris Kitchens: Sessions during patents day (Tuesday) will be addressing this. USPTO has turned this over to the states.

Q2. Nancy Spitzer, Madison, WI: Some patrons mention that they have had a hard time getting files from PAIR in the wrapper section. Can patrons give feedback to PAIR?

A2. Lyn said that she had no knowledge of this. It may be that some of the files are large. She said to send feedback to the Electronic Business Center at USPTO.

Q3. Stella Mittelbach, Los Angeles, CA: For the patent and trademark assignments, is more information in the underlying documentation?

A3. Martha: It is available for trademarks but not patents. The film should be the same as what is online. Linking to the PDF in trademarks should get to underlying documentation.

Marian Armour-Gemmen asked if we would request film for a registration, would there be more information? Donna said that she would try to bring some in this week so we can see.

Q4. Andy Wohrley, Auburn University: Would it be possible to do a basic facts sheet for provisional patent applications? This would be useful to inventors, also faculty.

A4. Martha: The USPTO prefers that real patent applications be sent in and not provisional applications. She will ask and will let us know what the authors of these say. Of interest would be the statistics for how many people actually file an application after they file a provisional.

Q5. Connie Wu, Rutgers University: Can more information be provided in regard to prior art searches? Searchers are looking for information beyond patents. What does the public search facility give to people for this?

A5. Martha: There is little information in regard to prior art beyond patents. Issued patents and trademarks are generally what is considered. The search facility has a small reference collection. Most of the clients (about 90%) are repeat customers – people that do searching as a career. There are very few first time customers. USPTO does not offer any third party databases. Examiners receive training in Pubeast, Pubwest, and X-search. At STIC, they offer access to foreign databases, etc. PTRCs really do more with databases, etc.

Connie said that they also get questions from attorneys.

Charlotte Erdmann, Purdue University said that – Catalog Express from HIS may be an option. This product may fill this gap for PTRCs.

Connie asked about the search templates that were on the USPTO website. Martha said that they are not doing these any more as the move is now toward CPC.

Q6. Dave Morrison, Salt Lake City, Utah: He read about an article about a new bill in Congress to get fee diversions from the USPTO. Some of these go back to 2005. Have there been recent fee diversions from the funds that USPTO receives?

A6. Chris: Refer to the legislative update sheet in our seminar folders– this will contain any recent bill information. Fee diversion is a fee-based agency. Money coming in has to match the money going out. No taxpayer money is involved. In the past some of the monies have been coming in have been used by the government for other agencies. Under AIA, USPTO keeps all of its money but it goes into a special account. See also the Business Daily updates.

Q7. Charlotte Erdmann, Purdue University: Is there a list of videos, webinars, etc. that have been done on various topics? Is there a list of these with links—USPTO sponsored events?

A7. Lyn: If USPTO has recorded it there should be a copy. A list of all training materials on the website is in process, about a year away. Some that are international will also be ok for public use. The Global IP Academy is doing this.

Charlotte said that some were radio interviews with John Calvert, etc.

Lyn is going to check on this. Check under the independent inventor's part of website. John Calvert is putting some things together there for inventors.

Q8. Will Salas Smithtown, NY: What is the status of the help form that is mailed into the search room for assistance with identifying classes? Who is answering these, is there a turnaround time, and will CPCs be given in addition to USPCs?

A8. Martha: In the past this has been a service done by the public search facility. It is however being phased out. The concern is that it is being done by non-examiners. Classification groups eliminated in past years are being rebuilt because of CPC, but this form provides just recommendations. So please don't use these forms anymore. Use a standard search when you are teaching – a sample search. The searcher is the one that needs to come up with search terms. There may be pro-bono in NY and other states at some point. Contact the bar association. NY should have an IP section of the state bar for legal assistance, etc.

Chris said that the Office is working on an updated Seven Step Strategy with the CPC. This will be up on the website in a month.

Q9. Leena Lalwani, University of Michigan: Are there any plans to use any type of ids to distinguish similar names in the USPTO databases? ORCID is an example, http://orcid.org/. It is starting to be used by databases to distinguish between authors with similar names.

A9. Ted and team: Did not really have an answer for this. They did say that there is no authority file for inventors.

Q10. Chuck Malone, Western Illinois University: He discovered when searching international trademarks that several had almost identical logos. How can similar logos be registered?

A10. Martha: Ask this question on Wednesday during the trademark sessions. Trademarks can be confusing.

Q11. Marian Armour-Gemmen, West Virginia University: The interface at USPTO is difficult to use when searching using CPC. She uses Espacenet instead. Can USPTO come up with a better interface for searching CPC?

A11. Martha : Ask this during the CPC speaker session. USPTO examiners are using Espacenet. They too are expanding their thinking to include the European Patent Office.

Jim Miller, University of Maryland: Espacenet's classification manual does not just search definitions but words in the patents; it is a dynamic index.

Q12. Amy Jansen, Sacred Heart University: She recently worked with an inventor who was blind. Are there any tools for people with disabilities?

A12. Lyn: The USPTO website is compliant with Section 508 of the ADA for people with disabilities. So the website will work with a screen reader, etc. Other than the website there is not any other assistance.

Martha asked if there was any assistance offered by her (Amy's) state? Is there a point of contact for this?

Q13. Ken Johnson, New York Public Library: Asked about access to the new PubEast and PubWest. The obstacle seems to be with IT departments. Will USPTO be providing laptops for PTRCs? Can searchers access it on their own laptops if we give them the login? The problem is getting IT to authorize Citrix.

A13. Chris Byrne, University of Washington: Use a machine that requires a staff login not one that is for the public and is ghosted (guest workstations).

Jared Hoppenfeld , Texas A and M: He has run into the same situation. He has installed it on a stand-alone machine.

Marian Armour-Gemmen, West Virginia University: She has had problems as well. She has had to ask for help from the Program Office.

Steve Schneck, Denver Public Library: PubEast has been working but searchers want to set up individual profiles. These are saved to somewhere in VA. The saved searches are there when people login again.

Ted: PubEast was not designed for network use; it is an individual application. Tell people not to save their searches.

Chris: It is not for use on laptops because of IP addresses.

Ken Johnson, New York Public Library, is making it work on his laptop. Is this ok?

Chris: We will get back with you.

Q14. Michael McCulley, San Diego: Has two dedicated PCs for PubEast but the screens go blank. Is there a way to keep these up?

A14. Ted: There are security timeouts in the system so there is no way to keep the screens on.

Q15. At the seminar last year, Tom Melvin, Newark, DE commented that the hit list button on the full text display had disappeared. It is there at first, but disappears when page forwarded.

A15. Lyn related that USPTO is still working on getting back to a hit list of results in PatFT. In the interim, open the patent/scanned image in a new browser window – right click. She said to use the PDF.

USPTO is also in the midst of redesigning its website. A preliminary design is available online. There will be a beta site set up in the fall where the public can comment before it is officially launched. The new site will be live in December.

Charlotte Erdmann said that it would help if this could be available in August/September for academic institutions – the start of the fall semester.

Q16. Hal Mendelsohn, University of Central Florida: Is there a list available of the upcoming satellite offices?

A16. There are only four that have been approved: Detroit, Denver, Silicon Valley - San Jose in 2015, and Dallas.

Q17. Hal Mendelsohn, University of Central Florida: Regarding provisional patent applications, will you be changing your mind about this?

A17. Martha: There is not a way to predict this. They are probably here to stay for a little while.

Hal asked again about trademark resource in the search room. Martha repeated answer – the Official Trademark Register.

Q17. Hal Mendelsohn: Can we share CPC home grown videos – those that PTRCs have created?

Connie Wu: Those on the USPTO CPC pages site are very good.

A17. Martha: It important that links from USPTO go to USPTO materials. Also, it is very important that the listing of PTRCs on the USPTO site goes directly to those patent and trademark service areas.

Q19. Chuck Malone, Western Illinois University: Where are the international field codes for patents - INID codes?

A19. Martha and Tom: WIPO has a common format for patents and it can be found on their website.

Q20. Jared Hoppenfeld, Texas A&M: When we update our contact information in the loose leaf notebooks at the seminar is this information included as the links from USPTO to the PTRC websites?

A20. Chris: We will check this. This link from USPTO to PTRCs is important to get to the relevant PTRC pages.