

September 27, 2001

Via Email to file-removal@uspto.gov
Via Facsimile No. (703) 308-7792

Nicholas P. Godici
Acting Under Secretary of Commerce for
Intellectual Property and Acting Director of
the United States Patent and Trademark Office
and Commissioner For Patents
Washington D.C. 20231

Attention: Ronald Hack
Acting Chief Information Officer

Re: Notice of Request for Comments on Development
of a Plan to Remove Patent and Trademark Classified
Paper Files from the Public Search Facilities

Dear Commissioner:

We, the undersigned, are long time private practitioners in the Intellectual Property Law field in the state of Michigan. In response to your request for comment published in the Federal Register Volume 66, No. 166, dated Monday 27, 2001, we respectfully respond as follows.

Initially, we request that the Patent Office consider holding public hearings on the issue of the removal of the paper files and, preferably, at multiple sites, especially where the Patent Office has public search room capabilities, such as Detroit, Sunnyvale, Washington, D.C., before submitting a proposed plan to Congress.

We oppose a plan that would remove the patent and trademark classified paper files from the USPTO's public search libraries and replace them with electronic records. We believe that the paper files should be retained by the U.S. Patent Office's public search libraries for the following reasons:

- 1) Computerized search systems in the public search room (PSR) still are not reliable enough to be the sole source for searching;

- 2) foreign content on PSR computer search systems are missing many of the foreign patents and all of the publications found in the classified paper files;
- 3) a considerable number of U.S. patents in certain subclasses are in the paper files, but are not on the PSR computerized system;
- 4) in our opinion, the more searching resources available the better the results of the search;
- 5) first time PSR users will need assistance by PTO employees—often times, there are not enough PTO employees to assist in such a search;
- 6) paper searches are currently free;
- 7) in order for a person to make effective and efficient use of the PSR computerized system, training and training updates are required; and
- 8) a complete switch to electronic form of the files would effectively preclude most practitioners from engaging in searches when they visit the Patent Office unless they are regular users of the system.

In summary, we believe that the cost of searches will increase and the quality of searches will be negatively impacted should the paper files be removed from the Patent Office search libraries.

Sincerely yours,

Daniel Van Dyke

Terence J. Linn

Catherine S. Collins

Matthew L. Goska

Timothy A. Flory