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September 14, 2001

BY FACSIMILE

Undersecretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
Washington, D.C. 20231

Attn: Ronald Hack, Acting Chief Information Officer

Rc: Docket No. 010126025-1025-01/Notice of Request for Comments on Development of a Plan to Remove the Patent and Trademark Classified Paper Files from the Public Search Facilities

Dear Sir:

As a trademark practitioner, I submit the following comments on behalf of our firm to convey our grave concerns regarding the Patent and Trademark Office's (PTO) proposed development of a plan to remove the classified paper files from the PTO's public search libraries and replace them with electronic records. *See generally* 66 Fed. Reg. 45,012 (Aug. 27, 2001).

We believe that any plan to remove PTO paper files from the public search facilities in favor of electronic records is, at best, very premature. Electronic trademark records currently are replete with errors. The paper records provide the only check on electronic data and remain essential to conducting a valid and reliable trademark search. Unless and until the electronic records are made accurate, any action by the PTO that would make paper records less accessible for public search would only foster mistakes in the search process and result in otherwise unwarranted infringement and similar proceedings. The aggregate of unnecessary, associated business, administrative and judicial costs is incalculable.

Letter to Undersecretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
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We urge the PTO to retain its paper records system as is until the validity and integrity of an electronic system can be ensured. We appreciate your attention to our comments.

Yours truly,

Michael J. O'Flaherty

MJO:jdm