

**DEPARTMENT OF COMMERCE****Patent and Trademark Office**

[Docket No.: PTO-P-2010-0038]

**Notice of Roundtables and Request for Comments on Enhancement in the Quality of Patents and on United States Patent and Trademark Office Patent Quality Metrics****AGENCY:** United States Patent and Trademark Office, Commerce.**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), in conjunction with the Patent Public Advisory Committee (PPAC), has undertaken a project related to enhancing overall patent quality. As part of this initiative, the USPTO is conducting two roundtables to obtain public input from organizations and individuals on actions that can improve patent quality and the metrics the USPTO should use to measure progress. The roundtables are open to the public. The USPTO plans to invite a number of roundtable participants from among patent user groups, practitioners, industry, independent inventor organizations, academia, and government. Any member of the public may submit written comments on USPTO patent quality enhancement and metrics as well as on any issue raised at the roundtable.

**DATES:** The first roundtable will be held on Monday, May 10, 2010, beginning at 1 p.m. Pacific Daylight Time (PDT) and ending at 5 p.m. PDT.

The second roundtable will be held on Tuesday, May 18, 2010, beginning at 8:30 a.m. Eastern Daylight Time (EDT) and ending at 12 noon EDT.

The deadline for receipt of written comments is June 18, 2010.

**ADDRESSES:** The first (May 10, 2010) roundtable will be held at the Los Angeles Public Library—Central Library, which is located at 630 W. 5th Street, Los Angeles, California 90071.

The second (May 18, 2010) roundtable will be held at the USPTO in the Madison Auditorium on the concourse level of the Madison Building, which is located at 600 Dulany Street, Alexandria, Virginia 22314.

Written comments should be sent by electronic mail message over the Internet addressed to [patent\\_quality\\_comments@uspto.gov](mailto:patent_quality_comments@uspto.gov). Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA

22313–1450, marked to the attention of Elizabeth L. Dougherty. Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet.

The written comments and list of the roundtable participants and their associations will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the USPTO Internet Web site (address: <http://www.uspto.gov>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth L. Dougherty, Office of Patent Legal Administration, Office of the Associate Commissioner for Patent Examination Policy, by telephone at (571) 272-7733, by electronic mail message at [elizabeth.dougherty@uspto.gov](mailto:elizabeth.dougherty@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The USPTO in conjunction with the PPAC has undertaken a project related to overall patent quality. As part of that effort, a notice was published soliciting comments from the public on means to enhance quality of the patent process with particular emphasis on the search, examination, application and methods of meaningfully measuring such enhanced quality. See *Request for Comments on Enhancement in the Quality of Patents*, 74 FR 65093 (Dec. 9, 2009) (Patent Quality Request for Comments). In the Patent Quality Request for Comments, the USPTO stated that it would like to focus, *inter alia*, on improving the process for obtaining the best prior art, preparation of the initial application, and examination and prosecution of the application. The USPTO sought public comment directed to this focus with respect to methods that may be employed by applicants and the USPTO to enhance the quality of issued patents, to identify appropriate indicia of quality, and to establish metrics for the measurement of the indicia. The original comment period was extended to March 8, 2010. See *Extension of Period for Comments on Enhancement in the Quality of Patents*, 75 FR 5040 (Feb. 1, 2010).

The comments may be viewed on the USPTO's Web site at <http://www.uspto.gov/patents/law/comments/patentqualitycomments.jsp>. A summary of the comments, prepared by the PPAC, as well as a summary of the comments

and responses prepared by the USPTO, is included for the participants to review and will be posted on the USPTO's Web site at [http://www.uspto.gov/patents/init\\_events/patentquality.jsp](http://www.uspto.gov/patents/init_events/patentquality.jsp).

As a part of this initiative, the USPTO is conducting two roundtables, one at the Los Angeles Public Library—Central Library facility, and one at the USPTO, to obtain public input from organizations and individuals on patent quality and USPTO patent quality metrics. The number of participants in each roundtable is limited to ensure that all who are speaking will have a meaningful chance to do so. The USPTO plans to invite participants from patent user groups, practitioners, industry, independent inventor organizations, academia, and government. The roundtables are open to the public.

The USPTO will provide an agenda, list of participants, and preparatory materials to the participants prior to the roundtable in order to focus the discussion and enhance the efficiency of the proceedings. All such materials will be posted on the USPTO's Internet Web site. The USPTO plans to make the roundtable held at the USPTO on May 18, 2010, available via Web cast; efforts are being made to also make the roundtable held at the Los Angeles Public Library—Central Library facility available via Web cast if reasonably possible. Web cast information will be available before the roundtable on the USPTO's Internet Web site. The written materials for the roundtable, any slides or handouts distributed at the roundtable, and the list of the roundtable participants for each roundtable and their associations will also be posted on the USPTO's Internet Web site. The USPTO patent quality metrics under consideration will be posted on the USPTO's Web site at [http://www.uspto.gov/patents/init\\_events/patentquality.jsp](http://www.uspto.gov/patents/init_events/patentquality.jsp).

The patent quality metrics posted on the USPTO's Web site have been presented to facilitate a discussion on patent quality metrics and should not be taken as an indication that the USPTO has predetermined that it will adopt these patent quality metrics or that the USPTO is not interested in suggestions that the USPTO consider other patent quality metrics. The USPTO is inviting written comments from any member of the public on USPTO patent quality metrics as well as on any issue raised at the roundtable.

Dated: April 23, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### DEPARTMENT OF COMMERCE

#### International Trade Administration

[Docket Number: 100416189-0189-01]

#### Request for Public Comment on the Scope of Viewpoints Represented on the Industry Trade Advisory Committees

**AGENCIES:** Office of the United States Trade Representative and U.S. Department of Commerce, International Trade Administration.

**ACTION:** Notice, request for public comment.

**SUMMARY:** The Office of the United States Trade Representative (USTR) and the Department of Commerce have initiated a joint review of the Industry Trade Advisory Committee (ITAC) component of the trade advisory committee system. As part of this joint review, USTR and Commerce are seeking comments and suggestions from the public on the appropriate scope of representation on the ITACs.

**DATES:** Written comments are due by 5 p.m. Eastern Standard Time (EST) on May 25, 2010.

**ADDRESSES:** You may send comments identified by Docket Number ITA-2010-0001, using any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Please see the **SUPPLEMENTARY INFORMATION** for more information and instructions for sending your comments electronically.

- For alternatives to online submission please contact Ingrid Mitchem, Director, Industry Trade Advisory Center, at (202) 482-3268.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding this request for comments should be directed to Ingrid Mitchem, Director, Industry Trade Advisory Center, at (202) 482-3268.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 135 of the 1974 Trade Act, as amended (19 U.S.C. 2155), directed the President to obtain information and advice from representative elements of

the private sector and the non-Federal government sector regarding U.S. trade policy and trade negotiation objectives. Among other mechanisms, Section 135(c)(2) of the 1974 Trade Act provides:

(2) The President shall establish such sectoral or functional advisory committees as may be appropriate. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, or service interests (including small business interests) in the sector or functional areas concerned. In organizing such committees, the United States Trade Representative and the Secretaries of Commerce, Labor, Agriculture, the Treasury, or other executive departments, as appropriate, shall—

(A) Consult with interested private organizations; and

(B) Take into account such factors as—

(i) Patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade,

(ii) The character of the non-tariff barriers and other distortions affecting such competition,

(iii) The necessity for reasonable limits on the number of such advisory committees,

(iv) The necessity that each committee be reasonably limited in size, and

(v) In the case of each sectoral committee, that the product lines covered by each committee be reasonably related.

The accompanying legislative history indicated that the sectoral and functional committees were to “be representative of the producing sectors of our economy” to “strengthen the hand of U.S. negotiators by improving their knowledge and familiarity with the problems domestic producers face in obtaining access to foreign markets.” S. Rep. 1298, 93d Cong., 2d Sess. 102 (1974).

Pursuant to Presidential delegation of this authority, USTR and Commerce have established and co-chair sixteen ITACs, plus an ITAC Committee of Chairs. The ITACs provide information and advice addressing the concerns of specific industry sectors for use by the USTR and the Secretary of Commerce in developing U.S. trade policy and negotiating positions.

To date, USTR and Commerce, with minor exceptions, have limited the viewpoints represented on the ITACs to those of industry stakeholders based on the need to obtain technical and detailed sectoral advice from the representatives of the producing sectors and the existence of other fora within the USTR-administered trade advisory committee system which provide for advice from representatives of other viewpoints, such as the Trade and Environment Policy Advisory Committee, the Intergovernmental Policy Advisory Committee on Trade,

the Labor Advisory Committee for Trade Negotiations and Trade Policy, and the Trade Advisory Committee on Africa. USTR and Commerce both have received multiple inquiries recently regarding the appropriate viewpoints to be represented on the ITACs. As a result of those inquiries, in accordance with Section 135(c)(2)(A) of the 1974 Trade Act, USTR and Commerce have decided to seek comments from the public on the appropriate scope of viewpoints represented on the ITACs.

In submitting comments regarding what viewpoints should be represented, please address: How the proposed viewpoint would improve the quality of information and advice provided to the Secretary and the USTR through the ITACs; how the proposed specific perspective would add value and contribute to the ITACs’ mission to provide information and advice addressing the concerns of specific industry sectors to assist the USTR and the Secretary in developing U.S. trade policy and negotiating positions; how such viewpoints could be effectively incorporated into the existing ITAC structure (i.e., on which specific ITAC would that viewpoint be appropriate); and whether such viewpoints may be more effectively incorporated into other fora within the trade advisory system. (Further information on trade advisory committees is available at <http://www.ustr.gov/about-us/intergovernmental-affairs/advisory-committees/>).

General information concerning the Industry Trade Advisory Committees, including a list of the subject areas of the sixteen ITACs, is available at <http://www.trade.gov/itac/>.

#### Requirements for Submission

Written comments must be received by 5 p.m. EST on May 25, 2010. In order to ensure the most timely and expeditious receipt and consideration of comments, USTR and Commerce have arranged to accept on-line submissions via [www.regulations.gov](http://www.regulations.gov). To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number ITA-2010-0001 on the home page and click “go”. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting “Notice” under “Document Type” on the left side of the search results page, and click on the link entitled “Send a Comment or Submission.” For further information on using the <http://www.regulations.gov/> Web site, please consult the resources provided on the Web site by clicking on “How to Use This Site” on the left side of the home page.