

X Patent Practitioners

Re: Erroneous Publication Information in Official Filing Receipts

Dear Director Vidal,

The signers of this letter, directly or through their respective firms or corporations, have paid more than X dollars to the USPTO in the past ten years and have received more than X filing receipts for patent applications filed in the USPTO in the past ten years.

We write to draw your attention to a substantial increase in mistakes in publication information in patent application filing receipts received recently from the USPTO.

Specifically, in the past several months, some of us have received filing receipts with erroneous publication information.

For example, some of us have received filing receipts for provisional patent applications that include a publication date, even though provisional patent applications are never published. An example is attached as Exhibit A.

Some of us have received filing receipts for design patent applications that include a pre-grant publication date, even though design patents are not published until they issue. An example is attached as Exhibit B.

On the other hand, some practitioners have received filing receipts indicating that nonprovisional applications are not eligible for pre-grant publication, even though no non-publication request was filed. [KSJ: Can anyone provide examples of redacted filing receipts with these issues?]

As you know, filing receipts require practitioners to identify and request correction of filing receipt errors. Every filing receipt directs: "Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt identifying the requested changes. . . ." Thus, when the USPTO makes a mistake on a filing receipt, patent practitioners must request a corrected filing receipt to correct the error. The correction process is costly not only to the applicant, which must submit the correction request, but also to the USPTO, which must process the request and issue a corrected filing receipt.

We respectfully request that you review the USPTO's internal processing and procedures and address whatever has caused the dramatic increase in erroneous publication information in patent application filing receipts.

Thank you for your consideration.

Sincerely,

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