

Twenty-Five Patent Practitioners

Re: Erroneous Publication Information in Official Filing Receipts

October 11, 2022

Director Kathi Vidal
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Director Vidal,

The signers of this letter, directly or through their respective firms or corporations, have paid more than sixteen million dollars (\$16,000,000) to the USPTO in the past ten years and have received more than 10,000 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.

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. Please direct any follow-up communication you deem necessary to me. I can be reached at krista@jacobseniplaw.com or 408-455-5539.

Sincerely,



Krista S. Jacobsen, on behalf of the following Twenty-Five Patent Practitioners:

Angela Armstrong-Baker, Leber IP Law
Matthew Booth, Matthew J. Booth PC
David Boundy
Anne Collette
William Eshelman, Law Office of William Eshelman
Judith Goldberg, Leydig, Voit & Mayer, Ltd.
John Hammond, Patent Innovations LLC
Krista Jacobsen, Jacobsen IP Law
Jay Karmarkar, ICI
Howard Klein, KOS IP Law, LLP
Katherine Koenig, Koenig IP Works, PLLC
James Lake
Guy Manning, Law Offices of Guy V. Manning
Richard Neifeld, Neifeld IP Law PLLC
Peter Nichols
Michael Nye, Miller Johnson
Carl Oppedahl, Oppedahl Patent Law Firm LLC
Christine Ricks, Wilson Sonsini Goodrich & Rosati
Scott Sample, Culhan
Zbigniew Sawicki, Westman, Champlin & Koehler, P.A.
Brian Siritzky
Timothy Snowden
Suzannah Sundby
Laura Weber
Edward Welch, IP&L Solutions

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY,DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 63, [redacted], 07/26/2022, 150, [redacted], [redacted], [redacted]

CONFIRMATION NO. 4975
FILING RECEIPT



0000000047482664

Date Mailed: 08/12/2022

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

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, preferably by including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s) [redacted]
Applicant(s) [redacted]

Power of Attorney:
SUZANNAH SUNDBY -43172

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

Projected Publication Date: 02/01/2024

Non-Publication Request: No
Early Publication Request: No
** SMALL ENTITY **

Title [redacted]

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 37 (c) DATE	GRP ART UNIT	FIL FEE RECD	AUTY.DOCKET.NO	TOI CLAIMS	IND CLAIMS
29/852,637	09/08/2022	2913	510	0499-001D01	1	1

CONFIRMATION NO. 4426

FILING RECEIPT



OC00000048431387

Date Mailed: 09/14/2022

Receipt is acknowledged of this non-provisional design patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

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, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Applicant(s)

Power of Attorney: None

Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

Provided

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 09/09/2022

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/852,637**

Projected Publication Date: 02/08/2024

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Preliminary Class

D13

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).