

Subject: Re: Being courteous to the members of the Patentcenter Listserv, and next steps

From: Carl Oppedahl <carl@oppedahl.com>

Date: 9/30/2023, 10:15 AM

To: "Udupa, Vaishali" <Vaishali.Udupa@uspto.gov>

CC: Katherine Koenig <katherine@koenigipworks.com>, Krista Jacobsen <krista@jacobseniplaw.com>, Richard Schafer <richard@schafer-ip.com>

Hello Commissioner Udupa. I did not hear back from you in response to the email message that I sent to you on July 25, 2023, quoted below. I gather this means that indeed you were accurately quoted as to your remarks at NAPP on July 20.

I renew my request that you please provide at this time the list of cleared trouble tickets that you declined to provide on March 23. This would be very helpful as we all work on our shared goal of trying to get bugs in Patent Center fixed so that eventually a shutdown of Private PAIR and EFS-Web would be acceptable to USPTO's customers.

As a reminder, we have been waiting for this list since at least as long ago as December 16, 2021 when the USPTO received our letter from Seventy-Four Members of the Patentcenter Listserv.

There's one more thing that might be helpful to you in getting a better appreciation for the views of the patent community on the timing of a shutdown of Private PAIR and EFS-Web. As I understand it, in a meeting between USPTO leadership and AIPLA some months ago, the AIPLA people presented a slide deck (attached). As I understand it, you departed from that meeting before AIPLA presented the slide deck. So here is the slide deck. I hope you will view it. Please note that of the survey respondents, 89% would not be comfortable with Private PAIR and EFS Web being shut down in favor of PatentCenter by sometime later this summer. Please note that of the survey respondents, a mere 6% felt that PatentCenter was ready or nearly ready for full day-to-day use (without Private PAIR or EFS Web as a backup).

Again, please provide at this time the list of cleared trouble tickets that you declined to provide on March 23.

Carl Oppedahl

for the Patentcenter listserv

On 7/25/2023 6:33 PM, Carl Oppedahl wrote:

Hello Commissioner Udupa.

This email message is directed to a remark that I understood you to have made on July 20, 2023 before the membership of the National Association of Patent Practitioners, a remark which, if quoted correctly, was critical of the work of another group of patent practitioners, namely the Patentcenter Listserv.

The first time that you and I met was on March 23, 2023. We met during a videoconference on the topic of Patentcenter and, in particular, on the topic of the Patentcenter trouble ticket list at <https://patentcenter-tickets.oppedahl.com/>. As I expect you know, on July 2, 2023 the members of the Listserv went to quite a bit of effort to try to subdivide that trouble ticket list (which at that time was up to about 141 tickets) into two parts -- an "open issues" part and a "resolved issues" part. This moved about 61 previously open tickets into the "resolved issues" part of the web page.

Present on the March 23, 2023 videoconference from the USPTO were you, Jamie Holcombe, and Richard Seidel. Present on the call from the Patentcenter Listserv were Katherine Koenig, Krista Jacobsen, Richard Schafer, and myself.

The impetus for this March 23 videoconference was, as you know, a letter dated December 16, 2021 from Seventy-Four Members of the Patentcenter Listserv to your predecessor, Drew Hirshfeld. The letter expressly asked Acting Commissioner Hirshfeld to direct his Patentcenter developers:

to report back to the people of the Patentcenter Listserv each time the developers clear a trouble ticket, referencing the Listserv trouble ticket number in the report.

An extra copy of that letter from the Seventy-Four Members of the Listserv is attached. I request that you read or reread the letter.

One of the expressly listed agenda items for the March 23, 2023 meeting was our request that the USPTO provide:

a list of which, if any, of those trouble tickets CP1 through CP92 the USPTO thinks it has actually corrected, along with the approximate date of corrective action.

During the March 23 meeting, as I say, you and I met for the first time. During the March 23 meeting, I reminded you and Mr. Holcombe of our request that you provide a list of the trouble tickets that the USPTO thinks it has actually corrected. ***You and Mr. Holcombe declined to provide such a list.***

During the meeting, we reminded you and Mr. Holcombe of our request, communicated in the December 16, 2021 letter, that the USPTO do us the courtesy of reporting back to the people of the Patentcenter Listserv each time the developers clear a trouble ticket, referencing the Listserv trouble ticket number in the report. ***You and Mr. Holcome declined to make this happen.***

We now turn to the annual meeting of the National Association of Patent Practitioners on July 20, 2023, at which you spoke. In response to a question from a meeting attendee, I understand you to have said the Listserv's Patentcenter bug list "was not up to date". I understand you to have meant that the Patentcenter trouble ticket list at <https://patentcenter-tickets.oppedahl.com/> is "not up to date".

I invite you to consider whether your remark, if accurately quoted, was disrespectful to the membership of the Patentcenter Listserv. This is a Listserv that has given enormous amounts of time and energy to what surely counts as our shared goal of helping the USPTO eventually bring Patentcenter into eventually being a system of acceptable quality.

It would be one thing if you and your colleagues at the USPTO had provided to us the list of supposedly cleared trouble tickets that we asked for at the March 23, 2023 meeting (and that you declined to provide) and if we had then failed to update the trouble ticket list accordingly. But for you to refuse to provide the list when we asked for it, and then (if your remark was quoted accurately) to criticize the work of the Patentcenter Listserv on this exact point, in a public way, in front of the membership of another professional association, strikes me as inappropriate, to put things as politely as I can.

I suggest that the most constructive thing that you could do now, today, is direct your Patentcenter developers to provide the list that we asked for on March 23, 2023, and that you declined to provide. This list should address all tickets numbered CP1 through CP146, including the tickets listed by us as "resolved" and the tickets listed by us as "open". Related to this would be your direction to your Patentcenter developers that going forward, they report back to the people of the Patentcenter listserv each time the developers clear a trouble ticket, referencing the Listserv trouble ticket number in the report.

Carl

Carl Oppedahl

on behalf of the Patentcenter Listserv

Attachments:

aipla-survey-patentcenter.pdf

203 KB