

Request for Correction submitted via electronic mail:

EAMS Case ID HD0000000489426

Below is the USPTO's first Information Quality request submitted 10/02/2002 regarding patent# 6,344,272.

From : MWatkins@crlaw.com
Date : Wed, 02 Oct 2002 11:10:51 -0400
To: usptoinfo@uspto.gov
Cc: achapa@crlaw.com, MWatkins@crlaw.com
Subject : Data Quality (US Patent No. 6,344,272)

Dear Sirs:

This submission is made under the provisions of the new USPTO Information Quality Guidelines of October 1, 2002.

Summary of Request: US Patent No. 6,344,272 issued on February 5, 2002. When the patent was processed for publication, the contractor identified the wrong set of claims in the file wrapper, with the result that the patent was disseminated (posted on the PTO website etc.) with incorrect claims. The entire claim set, including Claim 1, is incorrect because it does not reflect amendments made during the latter half of the prosecution of the case. A Certificate of Correction has been granted, but Applicant requests that the patent be re-disseminated with the corrected claims.

Request for Correction: Applicant requests that the PTO re-disseminate U.S. Patent No. 6,344,272 after replacing the incorrect claim set with the correct claim set.

Specifically, Applicant requests that the PTO, WIPO, and other websites containing text-searchable versions of the patent be corrected to contain the claim set that was ultimately allowed. Because Applicant has already identified the error to the USPTO and has received a Certificate of Correction, Applicant believes that no further review of the underlying error is required.

Furthermore, Applicant believes that the necessary electronic file, containing the corrected claims, has already been generated and exists in the PTO as a result of the generation of the Certificate of Correction.

Information Required under Section XI (A) (5)

a. Requester's name: Marcella Watkins, Attorney for Applicant, Reg. No. 36,962

b. Requester's telephone number: (713) 238-8043

c. Requester's email address: mwatkins@crlaw.com

d. Requester's return address: Marcella Watkins
Conley Rose & Tayon, P.C.
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e. Description of the disseminated information: U.S. Patent No. 6,344,272, and more specifically: all claims in U.S. Patent No. 6,344,272.

The originally-issued patent had 49 claims. These claims were the claims that were allowed before the filing of a continued prosecution application (CPA) and various other amendments that preceded the final allowance of the case. The correct claim set should have 54 claims and should reflect those later amendments. As mentioned above, Applicant believes that the necessary electronic file, containing the corrected claims, has already been generated and exists in the PTO as a result of the generation of the Certificate of Correction

f. Explanations:

i. The patentee is affected by the dissemination of the incorrect claim set because users of the PTO, WIPO, and other electronic databases are not likely to become aware of the correction of the claim set and will therefore evaluate the patent on the basis of the wrong claims. Because Certificates of Correction are only accessible in "Image" form, the corrected claims are not text-searchable. The searchable disseminated text contains no indication that a Certificate of Correction has been issued. Furthermore, because Certificates of Correction typically contain corrections of errors that are only minor in nature, and because the images are relatively difficult or slow to access and review (as compared to the searchable text) users of the online databases are not likely to view the Certificate of Correction or become aware of the corrected claim set in the present case.

ii. The information fails to comply with the quality guidelines because the disseminated patent (text file) contains an incorrect claim set. The error is objectively apparent upon a review of the file wrapper, and has been confirmed by the granting of a Certificate of Correction.

iii. The requester believes [knows] that the disseminated information is not correct because the requester prosecuted the patent in question and has first-hand knowledge of the correct content of the allowed claims. Requester has viewed the disseminated patent on the uspto.org website and confirmed that the claims available in the text format are not the claims that were ultimately allowed.

Requester believes that the foregoing recitations satisfy the requirements set out in the USPTO Information Quality Guidelines. If any additional information or explanation is required, please contact the undersigned. Respectfully submitted,

s/Marcella Watkins/

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