

USPTO Response to the Request for Correction:

(Provided on USPTO letterhead with appropriate signatures)

November 21, 2002

Ms. Marcella Watkins
Conley, Rose & Taynon, P.C.
600 Travis St., Suite 7100
Houston, TX 77002-2912

Dear Ms. Watkins:

Thank you for your Internet correspondence concerning data quality issues that you have with the way the United States Patent and Trademark Office (USPTO) makes corrections to patents that have been issued. Your transmission has been forwarded to me for response.

In your correspondence you indicate that your client has obtained a certificate of correction for errors that existed in the patent at the time it was issued. Your concerns are that the certificate of correction can only be found by going to the last pages of the USPTO image search files, and that the corrections cannot be found by searching the text search database. You also express concerns that other countries cannot find the changes in a text search database.

Your understanding of the certificate of correction practice for the USPTO is correct. No text searching of corrections can be done at the current time. When the system was developed the procedures you have described were decided upon as the most economical way in which to provide data searching capabilities to the public in the shortest amount of time. To make changes to the existing system to allow for text searching of the corrections that are made would be both costly, and time consuming. As I am sure you are aware, the USPTO is currently working on an electronic filing system in which all applications will be presented to the USPTO in an electronic format and in which all prosecution can be done electronically. The majority of the financial resources available for automation improvement are being channeled into the development of the new system. Hopefully the types of changes that you would like to see will be possible as the new system evolves.

You might find it encouraging to know that later this fiscal year changes are being made to the existing system to allow for changes to the bibliographic information, and these data changes will be able to be searched using the existing text search database.

With regard to your concerns about other countries databases not being able to search corrections that have been made, the USPTO does not have any control over the type of system that other countries utilize for searching, or what data they add to their system. We have contracts with other countries to provide them copies of patents that we grant but it is the decision of each individual country receiving that data as to whether or not they add it to their respective database. Thus the USPTO cannot require other countries to make changes in their system for any corrections that we make by certificate of correction.

I have spoken with sources inside the USPTO who are responsible for the development of the software that is used to provide the text searches you have requested. They have assured me that the concerns you have expressed are known, and that future modifications to allow for changes to the text search database are being considered.

Thank you for bringing your concern to our attention. While I recognize that the above might not provide the type of answer that you are seeking, it sets forth the policy and procedures that are currently available. If you require any further assistance specific to this communication, please feel free to contact me at (703) 308-6874.

Sincerely,

Randall L. Green
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy