

**From:** Vanessa Pierce Rollins  
**Sent:** Saturday, September 06, 2014 3:42 PM  
**To:** AC95.comments  
**Cc:** Herbert C. Wamsley; Laura Jacobius  
**Subject:** IPO Comments on "Changes to Facilitate Applicant's Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices"

Please see the attached comments from IPO on the recent Federal Register notice regarding "Changes to Facilitate Applicant's Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices."

Please let me know if you have any questions.

All my best,  
Vanessa

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September 4, 2014

The Honorable Michelle K. Lee  
Deputy Under Secretary of Commerce for Intellectual Property  
and Deputy Director of the United States Patent and Trademark Office  
600 Dulany Street  
P.O. Box 1450  
Alexandria, Virginia 22313

Via Electronic Mail to: [AC95.comments@uspto.gov](mailto:AC95.comments@uspto.gov)

**Re: IPO Comments on “Changes to Facilitate Applicant’s Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices,” Federal Register Vol. 79, No. 133, July 11, 2014.**

Dear Deputy Director Lee:

Intellectual Property Owners Association (IPO) appreciates the opportunity to provide comments in response to the notice of proposed rulemaking on Changes to Facilitate Applicant’s Authorization of Access to Unpublished U.S. Patent Application by Foreign Intellectual Property Offices, published in the Federal Register on July 11, 2014.

IPO is a trade association representing companies and individuals in all industries and fields of technology who own or are interested in intellectual property rights. IPO’s membership includes more than 200 companies and more than 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members.

We applaud the USPTO for proposing rules that will make it easier for applicants to prosecute foreign applications. IPO supports the proposal to include an authorization section in the application data sheet (ADS) form that authorizes the USPTO to transmit priority documents, bibliographic data, and search results to foreign patent offices. We also support making the authorization section an “opt-out” provision.

We believe the proposed changes are particularly important in light of the European Patent Office’s rule requiring applicants to submit copies of any prior search and examination results, including pre-publication documents. Moreover, access to pre-publication documents under the proposed rules will facilitate implementation of global projects like the IP5’s Global Dossier.

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We have only one concern. Proposed rule 1.14(h)(2) indicates the Office will be able to send information to foreign offices “indicated in the written authority.” Will an applicant have to specify in advance all foreign patent offices that will receive pre-publication information? We recommend that this language be removed from subparagraph (h)(2).

\* \* \* \* \*

IPO thanks the USPTO for considering these comments and would welcome any further dialogue or opportunity to support the USPTO in implementing the proposed rule changes.

Sincerely,



Herb Wamsley  
Executive Director