

Charlotte M. Kraebel
Attorney at Law
340 Commerce Street
Alexandria, Virginia 22314

Telephone 703-683-6226
Facsimile 703-683-6227
May 23, 2002

#20
Rec'd 6/3/02

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
Washington, D.C. 20231

via facsimile
703-308-7792

Attention: Mr. Ronald Hack
Acting Chief Information Officer
"PAPER COLLECTIONS"

Re: Electronic Public Search Facility, Federal Register, vol. 67, no. 68, page 17055

Dear Mr. Hack:

Thank you for the opportunity to comment on issues relating to converting the Patent and Trademark Public Search Rooms to all-electronic facilities. I am a frequent, almost daily, user of the Public Search facilities. The comments are my opinions, not those of any organization.

The Patent and Trademark Office has made impressive strides in making patent and trademark information available to public users in electronic form. More particularly, the full-text search capabilities, as initially available using the "MESSENGER" software, significantly enhanced access to U.S. patent information.

Nevertheless, I believe the proposal to convert to all-electronic access is premature. Necessary attributes of an all-electronic system include high system reliability, equivalence to classified searches in the paper files, full-text capability and workstations suitable for use for extended periods of time. For reasons stated below, the electronic prototypes do not yet meet these standards.

The electronic systems are subject to down time, in which the terminals are dark; crashes when data or searches are lost and system failures, particularly with respect to the group printing function.

Mr. Ronald Hack
May 23, 2002

-2-

Experienced searchers have reported significant mismatches between the contents of classified paper subclasses and the same subclasses, accessed by EAST or WEST. Generally, the electronic subclasses contain fewer references than the corresponding paper subclasses. The electronically-available subclasses thus provide a less comprehensive search than the corresponding paper files.

The full-text search capability, now utilizing the BRS software, complements the classified search capability, but does not replace the classified search capability because:

1. an OCR electronic file of patent documents between 1970 and about 1974 is not available to public users of the search facilities;
2. no pre-1970 patent document is searchable in full-text form to users of EAST or WEST;
3. chemical formulae are not searchable in EAST or WEST; and
4. full-text data base is not indexed, so that the output of a full-text search is inherently limited by the language of the query input.

The full-text electronic search capability is necessarily limited by the fact that the applicant is his/her own lexicographer. The full-text and classified search capabilities are thus complementary, rather than coextensive, in their scope.

Regardless of the form in which the search files are available, it is imperative to maintain the U.S. Classification system (UCLA) and constantly update the classification system to accommodate the need for manageable searches of increasingly large and active subclasses (over 1000 documents). Search strategies proposing to obviate the need for reclassification of excessively large subclasses by using the Boolean "and" to combine a subclass(es) with full-text concept(s) can, and do, fail because of unavailability of unscanned or unavailable pre-1975 art in the full-text side of the data base and the creativity with which applicants are permitted to define their inventions.

Concept-based classification, as exemplified by UCLA, is independent of terminology. Concept-based classification allows the applicant/patentee to describe the invention in terminology of his/her choosing and provides a framework in which the searcher can find pertinent references, regardless of how the invention is described. The importance of maintaining the UCLA and reclassifying overly large subclasses into manageable subclasses should not be underestimated.

Mr. Ronald Hack
May 23, 2002

-3-

There is legitimate concern about the quality of the images displayed, particularly the quality of text images. People who normally search by viewing drawings are generally more favorably disposed toward the available image quality than those who need to read mainly textual material. Workstation users require higher image quality than presently available in order to be able to search for several hours each day without eyestrain. Improvements in the monitors with respect to glare/angle of viewing etc. are almost certainly needed for the monitors to become acceptable replacements for viewing of paper document copies for hours at a time.

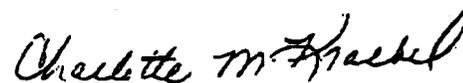
Other attributes, required for acceptable workstations, were discussed at a focus session held on July 17, 2000. Most of the "requirements" are merely elements of good design, minimal criteria if the PTO is to provide world-class electronic search rooms.

Despite the progress made in developing the electronic workstations, the workstations are not yet an adequate replacement for searching of the paper files. Therefore, at least highly used paper search files should continue to be available for use at the PTO for the foreseeable future.

The existing paper files are an irreplaceable, tried and true, source of technological information, a source which should not be put into dead storage or destroyed unless and until electronic information products have been demonstrated to be equivalent to or better than the paper search files. Therefore, the PTO should act conservatively in reducing its reliance on the paper files.

Thank you for your interest in this matter.

Respectfully submitted,



Charlotte M. Kraebel
Reg. No. 25,784

CMK:

rh.ltr