

## **USPTO Electronic Filing System**

The almost complete reliance of the United States Patent and Trademark Office on mail correspondence has wreaked havoc on its operation since the terrorist activity of contaminating US mail following the bombing of the World Trade Towers. First there were substantial delays in mail transmission and lost correspondence, followed by mail being damaged by sanitizing radiation treatment. Fortunately, the USPTO had already instituted a procedure for securely filing patent applications and other patent prosecution papers electronically before this tragic and disruptive event.

Such a system is no small undertaking since the USPTO has been toying with the concept and implementation of having a near paperless office for over 20 years. Furthermore the slow reaction time of the community of patent attorneys to use this procedure, although understandable, has somewhat helped to contribute to the magnitude of these problems. The wide acceptance of this electronic process will develop, but has yet to occur.

For all of these reasons, the USPTO has been strongly advocating the use of their Electronic Filing System (EFS). To our best knowledge, TACOM-ARDEC is the first IP operation in AMC to put EFS into operation. If other offices have some experiences with EFS, we would be glad to share lessons-learned.

In July, the TACOM-ARDEC Intellectual Property Team began utilizing the U.S. Patent and Trademark Office's Electronic Filing System. While there are a few "bugs" to be aware of, generally the filing process is easily accomplished and ensures a filing date for the day the transmission is forwarded. Utilizing the U.S. Post Office Express Mail is a problem here at TACOM-ARDEC due to the shortage of people in the Post mail room. There is never a guarantee that there will be personnel available that have the knowledge of the postage machines to ensure a timely postmark. Even the USPTO's first class certification of mail procedure is not compatible with our operation since it is based on the assumption that outgoing mail will be post marked and placed in the mail the same day it is destined for sending.

The EFS requires downloading software from the USPTO's webpage and a scanner is required for the Figures and Declaration/Power of Attorney. The specification is prepared in PASAT, which is a Word based program that "talks" you through each element of the specification. A word of caution to anyone implementing this process - -- save your work frequently!!!--- Once the specification is completed, scanned figures are attached to the saved specification. The document

is then exported to XML. This is accomplished through the PASAT program and does not require any knowledge of XML. Once the XML document is saved, another program E-PAVE is used to compile the specification, application data sheet, fee transmittal sheet, and declaration and, where appropriate, assignments. The package is then transmitted electronically. At the completion of the transmission, an automated message provides an acknowledgment receipt complete with the serial number assigned to identify and track the patent application.

This process combined with the USPTO's Right Fax procedures have helped to ensure timely filing and response to office actions. Instead of waiting for a month for the acknowledgement of correspondence, this system provides an official faxed acknowledgement no later than the following day, which is almost a real time operation, compared to the experience of using the conventional process.

As we gain further experience with EFS wherein status information and other features are made available, we hope to provide favorable reports from our experience as we assess their value.

John Moran  
Lead Patent Attorney  
Picatinny Arsenal