

Subject: [EFS] A Modest Proposal
To: efs@patents.com
X-Mailer: Lotus Notes Release 5.0.7 March 21, 2001
From: Jim_Henry@bstz.com
Date: Tue, 19 Mar 2002 09:39:11 -0800
X-MIMETrack: Serialize by Router on SVNNotes/Bstz(Release 5.07a |May 14, 2001) at 03/19/2002 09:35:03 AM
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I think the USPTO has been too ambitious in rolling out EFS. As far as I can tell, EFS is being used as a glorified FAX machine. I have not heard anything from the PTO to suggest that they are making any use of the XML we are generating and I have heard things to suggest that they don't even have the budget to do what they would need to do to make use of the XML at this time.

I would propose that the USPTO allow the specification to be submitted as a PDF file for an interim period. Most people seem to be able to deal with creating a PDF file these days and the author can be confident that they know what the recipients will see. While I am not a huge fan of ePAVE, I can live with it. I propose that ePAVE be extended to allow a PDF file to be attached as the specification. ePAVE would continue to be used to create an ADS and the other transmittal items. The PTO would print out the PDF specification and place the application into the paper stream as they now do with XML specifications. The advantage to the PTO in doing this is that many more people are likely to adopt this as a first step in moving toward EFS. The USPTO will buy time to deal with the difficult issues of really creating and using XML specifications while building rather than losing momentum for electronic patent filing. They will also be building a stream of XML cover documents that will allow them to get the OIPE portion of their electronic initiative working smoothly. At this time, I see the XML specification as the obstacle that will prevent EFS from any type of widespread acceptance.

I was at this point in composing this message when I received Peter J. Rashid's message making pretty much the same suggestion. I do have to say that I think PDF will not be a permanent solution and that the XML patent specification is a good idea that will be needed in the long run. There is virtue in being able to identify the text content of the patent specification. While text in a PDF file can be searched, you cannot search for text only in certain parts of the file such as the title or abstract. There is also value in separating the formatting from the text. The storage is more compact. The text can be formatted consistently and in a manner appropriate to the presentation. I think the printed USPTO patent format is an improvement over the PCT practice of reproducing the specification as submitted because the USPTO format is much more compact on the printed page. In the future, XSL style sheets could be written to optimize the presentation for on-line viewing without disturbing the

underlying XML content. XSL stylesheets could allow printing on either A4 or 8.5x11 paper. My only objection to the XML specification is the difficulty of creating it and the uncertainty of what is being done with it. I think these things will be overcome in time.

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