



OBLON
SPIVAK

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Thank You

- Thank you for that kind and generous introduction
- As you can see I have had the wonderful opportunity to serve for more than 34 years at the USPTO in a variety of positions
- Become a partner at Oblon Spivak
- Serve as the Director of the IP Law program at GMULS where I am also an adjunct professor of law



Unique Perspective

- My background and experience provides me with a unique perspective on the importance of the work you do as patent examiners at the USPTO



Congratulations

- I offer my sincerest congratulations to you on your completion of the Patent Training Academy
- This achievement will materially assist you in launching your career at the USPTO



Patent Training Academy Staff

- The Curriculum Committee and instructors have worked very hard to make your training experience worthwhile
- I would like to thank them as well as the Patent Training Academy staff for a job well done.



Leadership of the USPTO

- I would also like to thank the leadership of the USPTO for its support of the Patent Training Academy
- Acting Undersecretary John Doll
- Acting Patent Commissioner Peggy Focarino
- TC Directors and SPES



Future of the USPTO

- As I stand before you today, I see the future leaders of the USPTO
- While most view the USPTO as an institution, I see the USPTO as a community of people dedicated to accomplishing its mission



Future of the USPTO

- If you look around this room, you plainly see that you are the USPTO
- You are also what the USPTO will become in the 21st Century
- Your legacies of success will determine the fate of the USPTO as an institution
- We are counting on you as the torch bearers who will carry on the rich traditions of the 200 year old U.S. patent system



Job is Vital to US Economy

- You should be proud to serve your country as patent examiners
- Do not underestimate the importance of your decisions to the global economy
- In today's information based world intellectual property makes up a substantial portion of many companies assets, in some industries intellectual property makes up over 80% of corporate value



Attracting Capital to Fund R & D Efforts

- Many small and medium enterprises are start-up companies that rely heavily on venture capital for funding
- Patent applications and patents are essential to attract venture capital
- VCs will not normally fund SME who own no patents



Promote Progress of Useful Arts

- As you have learned in the Patent Training Academy the purpose of the patent system in the U.S. is found in Article 1, Section 8, clause 8 of the Constitution
- To promote the progress of the useful arts to secure to inventors for limited times the exclusive rights to their discoveries



Prompt Issuance of Valid Patents

- As patent examiners through the prompt issuance of valid patents you contribute to job growth in the U.S and elsewhere
- Through the grant of patents innovation is protected leading to the improvement in the quality of life, saving lives and reducing suffering while maintaining high standards of living



My Career at the USPTO

- The USPTO has been very good to me
- I began my career at the USPTO almost 39 years ago
- Like you, I started as a patent examiner
- I worked my way through the ranks of the USPTO serving as an SPE, Group Director & Deputy Commissioner before retiring in late 2004
- I feel I left a legacy of success during my tenure and am especially proud of the accomplishments of the people who worked with during my career



Training

- I went to GWULS at night and earned my JD in law
- I too successfully completed the Patent Academy
- I was fortunate to receive technical and well as management training



Patent Academy

- The Patent Academy has been dear to me
- I have taught as an instructor and lecturer at the USPTO
- I chaired the Curriculum Committee
- For many years the Patent Academy reported to me
- The Patent Academy provides the foundation for quality examination



Encourage Training & Development

- I encourage you to take advantage of the training opportunities made available to you
- To succeed at the USPTO you will quickly recognize the need to stay current in the technologies you examine, the patent laws, policies, practices and procedures



Tight Budgets

- I appreciate that the current budget situation at the USPTO is tight and that tough decisions have been made
- But this should not be used an excuse to stop learning
- With some initiative and leveraging the existing human and capital resources at the USPTO your learning can and should continue



Oblon Spivak

- For nearly the past 20 years Oblon Spivak has been the leading firm in obtaining U.S. patents
- We obtain over 3400 patents per year in all fields of technology
(<http://www.iptoday.com/articles/2008-3-top-patent-firms.asp>)
- We have thousands of clients from all over the world whose innovation we seek to protect



We Are Joined at the Hip

- We recognize that for we and our clients to be successful, the USPTO has to be successful
- We have a mutual interest in assuring that patent applicants obtain adequate patent protection to protect their innovation
- This requires prompt, high quality patent examination so that applicants obtain no more nor less than they are entitled to under the patent statutes



Encouragement

- I would encourage you hold interviews with applicants early and often
- This will lead to prompt resolution of differences and reaching a meeting of the minds on what is patentable and what is not



The Economy

- The current economic conditions are difficult on every one.
- We appreciate the budget crisis facing the USPTO, but the USPTO needs to recognize that patent applicants and owners are facing budget crises as well
- We should view this situation as an opportunity rather than as a problem



Spirit of Cooperation

- Now is the perfect time for the USPTO to improve its transparency
- We should all be working towards a common end to ensure that quality patents issue in a timely manner
- Deserving patents should not be unjustifiably denied
- We need to end paper-pushing and focus on cost-effective negotiated solutions to achieve these common goals



USPTO Leadership

- I have had the opportunity to meet with the Obama transition team to discuss new ideas for improving the USPTO
- Acting Undersecretary Doll as well as Acting Patent Commissioner Focarino and Acting Deputy Commissioner Hirshfeld have been gracious in permitting myself and others to meet with them to discuss ideas for future improvements
- I thank them for their openness to consideration of ideas for change
- I applaud their efforts to seek collaborative solutions to the challenges the USPTO faces today and in the coming years



Encouraged

- I am encouraged by the prospects of the future of the USPTO
- I expect that the new USPTO Director and Deputy Director working with today's leadership team will move the USPTO forward with clarity of vision and purpose



Looking Forward

- I look forward to working with them in the future and expect good things to come
- I am sure that you will make significant contributions to the success of the USPTO in the coming years



Thank You

- Thank you for inviting me to address you today
- I wish you the best of luck in the future
- I hope that you all will have the benefit of long and successful careers at the USPTO