Senator Tillis Questions for the Record –– Protecting Real Innovations by Improving Patent Quality

Mr. Troy Lester

1. How would you define or describe a low quality patent?

2. What are the biggest problems that you see posed by low quality patents?

3. What initiatives in this area have been particularly successful, in your perspective?

4. What is the USPTO doing right with respect to patent examination and patent quality, and in what areas would you recommend improvement?

5. How can the USPTO improve collaboration on prior art searching—both domestically (e.g. between USPTO and the FDA) and internationally (e.g. among the IP5)?

6. Are you aware of some of the USPTO’s recent efforts to address patent quality? What initiatives in this area have been particularly successful, in your perspective? What have not?

7. What are your thoughts about creating a “gold plated” patent, where applicants would have the option of paying for a more thorough examination of their inventions that would merit a presumption of validity (a “gold plated”), or allowing less economically significant patents to receive a separate patent?

8. Are there any particular data points or metrics that could help prioritize discussions about improving patent quality? What agencies or other organizations could contribute to collecting such data?

9. Do you have any experience with responding to assertions based on fraudulent patents to share?