

(10,500 words; 35 pages)

REFORMING THE USPTO TO COMPLY WITH MPEP §707.07(j) TO GIVE A FAIR  
SHAKE TO *PRO SE* INVENTOR-APPLICANTS\*

Paul M. Swamidass, Ph. D.  
Professor of Operations Management  
Director  
Thomas Walter Center for Technology Management  
211 Ramsey Hall  
Ginn College of Engineering  
Auburn University, AL 36846-5358  
334-844-4333  
[swamidas@auburn.edu](mailto:swamidas@auburn.edu)

\*With a Contributed Section by:

A.J. Gokcek, J. D., L.L.M  
Registered Patent Attorney  
Associate Director Intellectual Property  
Office of Technology Transfer, and  
Adjunct Professor, Thomas Walter Center for Technology Management

March 10, 2010  
Version 2.1

**Acknowledgement:** The author gratefully acknowledges the availability of Registered Patent Attorney A.J. Gokcek, Esq. for occasional informal consultations when needed, and for his contributed section in this article.

Cite as Paul Swamidass, *Reforming the USPTO to comply with MPEP §707.07(j) to give a fair shake to pro se inventor-applicants*, 9 JOHN MARSHALL REVIEW OF INTELLECTUAL PROPERTY LAW, forthcoming, spring (2010).

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*Paul M. Swamidass*

## ABSTRACT

If *pro-se* patent applicants are successful with their applications, they are likely to be inspired to become serial inventors & patentees. In contrast, a *pro-se* patent applicant, who is turned off by a non-transparent and arbitrary examination process at the US Patent and Trademark Office (USPTO), may curtail his/her instinct to invent & patent.

The USPTO does not collect data or publish statistical analyses of *pro se* patent applications. Therefore, the challenges faced by the *pro se* inventor-applicants are hidden. The author subjected himself to the PTO's patent examination process as a *pro se* applicant for 25 months for a first-hand experience of the process, which resulted in an issued patent in December 2009 after four consecutive rejections of all claims. The author's first-hand experience as a *pro se* patent applicant is included as an illustrative case with a contributed section by a registered patent attorney, who provides a third-party evaluation of the examination. A tool proposed in this article to assess the quality of the patent examination process (see Exhibit 1) reveals many of the problems facing *pro se* applicants and, specifically, the failure of examiners to follow the requirements of MPEP §707.07(j). The paper reasons with some evidence that, at various stages in the examination process, the *pro se* applicant is pushed to the point of abandoning his/her application prematurely. Further, the case gives rise to a concern that examiners have become too dependent on patent attorneys representing inventors, and may engage in irrational rejection of *pro se* applications. Detailed recommendations for reforming the USPTO are offered to ensure that examiners comply with all the provisions of MPEP §707.07(j).

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