

# 137 INTELLECTUAL PROPERTY PROFESSIONALS

October 9, 2023

Via email

Dr. Dominic Mancini  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th St. NW  
Washington, D.C.

Re: Patent and Trademark Office decommission of reliable software in favor of buggy software

Dear Dr. Mancini:

On September 20, the United States Patent and Trademark Office (PTO) announced a revision of an existing information collection to take effect November 8, 2023. Via press release (Attachment 1), the PTO announced that it would decommission its time-tested, reliable software systems (called Private PAIR and EFS-Web) and would instead force the public to use its new system, Patent Center. For years, the public has been warning the PTO that Patent Center is incomplete and extraordinarily buggy, and that it is not ready to be the PTO's primary interface to the public. AIPLA (the American Intellectual Property Law Association, the largest professional organization in the field) told the PTO in no uncertain terms that Patent Center is not ready.

We estimate Paperwork burden in the range of \$150 million to \$450 million per year. We estimate that economic effect because of the PTO's software bugs could well be in the range of \$1 billion per year. The PTO's inadequate software systems will abrogate a treaty-guaranteed right to file patent applications for a large class of biotech inventions for about 14 months.

The PTO has not sought clearance under the Paperwork Reduction Act, nor has the PTO submitted this change for review under Executive Order 12866. A majority of the affected individuals work for small entity law firms. Because the PTO observed **no** process (only a press release, with no Federal Register notice), the PTO has observed **no** step of the Information Collection regulations, has offered **no** accommodation under § 3506(c)(3)(C), and has conducted **no** Regulatory Flexibility Analysis.

We request that OIRA, well before November 8, 2023:

- Remind PTO that it may not impose burden of this magnitude without an ICR clearance. Decommission of incumbent, working software should be postponed until the PTO's new replacement software demonstrates a level of reliability that provides practical utility. Decommission should be postponed until the PTO has

a clearance obtained after full public comment. The PTO has done none of these things.

- Remind the PTO that Information Quality principles govern the PTO's decision-making. Readiness and quality reviews of the new software on which the PTO relies are "influential," and should meet requirements for objectivity, utility, integrity, and reproducibility, and public consultation. Software utility, quality, and readiness must be assessed from the point of view of the PTO's users, not the PTO's staff. The PTO has not done so.
- Exercise its authority under 44 U.S.C. § 3504(a) and (h) to "oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems" to ensure that the PTO's major information systems are designed to achieve agency missions. As we note below, the PTO's software engineering and quality processes are suspect.

## **I. The problem**

The PTO conducts essentially all its business by web computer system. These systems are essential to the public's interaction with the PTO. The PTO's computer systems for patent applications are about 20 years old. These older systems are comparatively reliable and more-or-less adequate, but could use some updating. The old reliable software includes two major systems, a lookup/inquiry system named Private PAIR (analogous to the public inquiry side of [reginfo.gov](http://reginfo.gov)), and a document collecting system for electronic filing of new applications and updates to previous applications named EFS-Web (analogous to the system for receiving comment letters of [regulations.gov](http://regulations.gov)).

Over the last five years, the PTO has built a replacement system, named Patent Center. Patent Center is still incomplete—some essential functions are not implemented at all. Many of the functionalities that nominally do exist in Patent Center are buggy to the point of unuseability—they give incorrect results, or behave inconsistently, or combinations of inputs that the PTO failed to consider don't work. Updates of Patent Center add nearly as many bugs as they fix.

As one simple example, patent applications are arranged in families. Later members of the family obtain benefit of the earlier filing dates of earlier members. Because so much of patent law is driven by dates, it's crucial that these family relationships be reliably ascertainable. Both the applicants seeking patent protection, and competitors researching validity of issued patents rely heavily on the PTO's computer systems. Family relationships are a simple database lookup, with no data manipulation or updating—but in Patent Center, even simple lookup functions don't work. No answer at all would be bad—but for some situations, Patent Center gives *false* results. Some companies make billion-dollar investment decisions based on these inquiries. False information is highly problematic.

Nonetheless, the PTO has announced it will decommission the old, reliable Private PAIR and EFS-Web, and will instead force exclusive use of the buggy Patent

Center, starting November 8, 2023 (see Attachment 1 and the PTO's sunset web page.<sup>1</sup>) The PTO published no notice in the Federal Register—the PTO notified the public via an emailed press release and a web page. The emailed press release is unsigned.

AIPLA surveyed its members in summer 2023. The report of that survey is attached as Attachment 2. Of 513 respondents, only 11% were “comfortable with Private PAIR and EFS-Web being shut down in favor of Patent Center.” Two-thirds of respondents gave a 1 or 2 (the “least ready” responses) on a five point scale for readiness of Patent Center to be used for day-to-day work, and only 2% gave a “5”, that Patent Center is “fully ready.” About 2/3 reported issues with “general stability and uptime.” Attachment 2 includes the free-text responses to AIPLA's survey—the public's assessment of non-readiness is non-ambiguous, stated in the most pointed language.

Signatories of this letter have sent multiple letters to the PTO identifying bugs, and explaining which are of such severity that Patent Center cannot be relied on as a full replacement for Private PAIR and EFS-web:

- A letter of September 29, 2023, requesting delay of decommission of EFS-Web is at <https://blog.oppedahl.com/wp-content/uploads/2023/09/20230929-letter.pdf> and is attached at Attachment 8.
- A letter of December 16, 2021 explaining the low reliability of Patent Center, and identifying flaws in the PTO's quality evaluation process, is at <https://blog.oppedahl.com/wp-content/uploads/2023/09/20230929-letter.pdf> and attached at Attachment 6.

As far as we can ascertain, the PTO's decision to decommission the reliable systems reflects no input from the public. As far as we know, no decision-maker or tester within the PTO has ever served a client and had to worry about malpractice risk. Based on the bugs we see, we cannot be sure that the PTO's testing genuinely seeks to stress test the software or to isolate bugs, rather than to whitewash to allow IT staff to report favorable progress to the political appointees, based on criteria that are irrelevant to reliable use. From externally visible behavior (including bugs that get fixed and then come back), we cannot be sure that the PTO's testing goes beyond simple use cases or that the PTO adds bugs to its test suite as those bugs are fixed.

## **II. Estimate of burden and economic effect**

We estimate direct Paperwork burden and indirect economic effect as follows:

- Unreliability of the PTO's software requires working around bugs, correcting errors introduced by those bugs, adapting to different ways of working to avoid the bugs, getting mostly done with an electronic filing and being blocked by a software bug, and having to start over from scratch to file by paper and USPS;

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<sup>1</sup> *EFS-Web and Private PAIR to be retired*, <https://www.uspto.gov/patents/efs-web-and-private-pair-be-retired>

performing prophylactic tasks because the status information provided by Patent Center is unreliable, and converting significant fractions of all work from electronic to USPS paper filings. A few specific cases are discussed in § IV starting at page 6 of this letter. The PTO receives about 5 million responses per year via these three electronic systems (0651-0021, -0022, -0024, -0027, -0031, -0032, -0033, -0034, -0058, -0059, -0063, -0064, -0071, -0075). We estimate that about 5-10% of these will require an additional hour (see “New bug 9” and “New bug 11” starting at page 11, below), at \$400/hr. (The big cost is diagnosis, and indentifying whether corrective action is needed—because Patent Center continues to be in active flux with a constant flow of new bugs (see § IV.C starting at page 11), it’s difficult to establish stable workflows.) On average, this comes to \$150 million per year.

- We estimate that some number of patent applications will be so mangled by Patent Center that they become valueless. The economic effect of the lost R&D incentives could likely be into the billions. (Because patent law is so driven by dates, patent law is uniquely unforgiving of error, and restrictive of correction. See, e.g., 35 U.S.C. § 132(a). U.S. and international patent applications can be entirely destroyed by small bugs. This is one area where computer systems must be of utmost reliability.)
- Businesses rely on the information obtained from Private PAIR and Patent Center to make major decisions. For example, the decision to invest or not invest in a new drug often turns on patent information. Patent Center gives *false* information. These decisions sometimes involve over \$1 billion.
- In addition, one specific collection within Patent Center imposes uncleared burden of \$200 million per year on an ongoing basis (see the comment letters for ICR 202011-0651-006), plus the PTO now admits that the burden of mere transition from today’s filing mechanism to a new one is over \$100 million per year. 88 Fed. Reg. 66414. This is currently pending as ICR 202309-0651-002; the 60-day comment letters explained that even on the PTO’s estimates, burden-to-savings is “disproportionate” by over 100-to-1.

Adding it all up, depending on which costs are in and which costs are out, direct Paperwork burden for Patent Center in its current buggy state is between \$150 million and \$450 million. Economic effect for Executive Order 12866 is much harder to quantify, because it will involve a small number of high-severity losses. Economic effect could well average over \$1 billion per year.

The PTO has not published its estimated savings from decommission of Private PAIR and EFS-Web. However, we understand that the PTO all but stopped any maintenance activity several years ago, so the PTO’s savings are likely to be under \$1 million for the one-year delay that seems likely to be necessary. To high certainty, we expect that decommission “shift[s] disproportionate costs or burdens onto the public” in violation of § 1320.5(d)(1)(iii).

### III. The PTO's existing clearances require that Private PAIR and EFS-Web be available—the PTO has no clearance to shut them down

The PTO's two main patent related control numbers are 0651-0031 and -0032. In both, the PTO's most recent supporting statements<sup>2</sup> note that a number of necessary capabilities only exist in the old software, EFS-Web, not in Patent Center:

The forms associated with this information collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted to the USPTO online through the Patent Electronic System (EFS-Web or Patent Center). The "EFS-Web only" items in this information collection must be submitted to the USPTO online through EFS-Web. In addition, the USPTO provides an electronic interface on its Web site that the public can use to submit the information associated with the Electronic Applicant Initiated Interview Request Form.

(0651-0031 Supporting Statement, May 25, 2021)

Both Supporting statements from 2021 have an identical paragraph, conceding that patent applicants "voiced concern about program features" of Patent Center, that Patent Center was still in test mode, that Patent Center was still under development and not ready for day-to-day use, and the PTO was not seeking clearance for it:

#### **Patent Center**

Some commenters passed on feedback regarding the Patent Center testing program. Patent Center is a new online system that helps with processing and filing patents. The commenters voiced concern about program features, and about how the USPTO was gathering feedback on the Patent Center beta release. These topics are outside the scope of the current information collections, as Patent Center is still in production. External feedback on Patent Center beta was collected via Ideascale, a dedicated email box, and user testing. The USPTO is not actively soliciting Patent Center feedback at this time, but the public may still submit comments to [eMod@uspto.gov](mailto:eMod@uspto.gov).

The PTO has run no 60-day or 30-day notice, and has filed no ICR, seeking clearance to decommission Private PAIR and EFS-Web and to instead require Patent Center. As far as we know, the PTO has not "consult[ed] with members of the public," 44 U.S.C. § 3506(c)(2)(A). We are aware of several private sector groups (including signatories of this letter) that unilaterally provided information to the PTO even though the PTO did not ask for it. To our knowledge no group has communicated approval of

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<sup>2</sup> For 0651-0031, the Supporting Statement from May 25, 2021 is at <https://www.reginfo.gov/public/do/DownloadDocument?objectID=130485001> For 0651-0032, the Supporting Statement form May 25, 2021 is at <https://www.reginfo.gov/public/do/DownloadDocument?objectID=130453701>

the PTO's Patent Center plans. To our knowledge the PTO has not actively "consulted" with anyone on decommissioning Private PAIR and EFS-Web.

#### **IV. Patent Center is not ready to be the sole software portal to the PTO**

##### **A. The PTO's own web pages concede bugs that the PTO claims to be "resolved" are not in fact resolved**

Attachment 3 is the PTO's status page for *Patent Center* as updated in September 2023, from <https://www.uspto.gov/patents/apply/patent-center> (downloaded October 1, 2023). This page lists outstanding and "resolved" bugs. This page tells three important facts: (a) a number of essential functions of Patent Center don't work, (b) the PTO knows they don't work, and (c) the PTO indicates that they are "resolved" when they are known to not work.

**Unresolved bug 1.** The full history of the conversation between an applicant and the PTO is called the "file wrapper." The applicant and any member of the public that needs to understand a patent downloads the full file wrapper. We expect this happens more than 1000 times per week. The PTO's status page concedes that this doesn't work reliably in Patent Center:

##### **Unable to download the file wrapper of some applications within Documents & Transactions**

- Users will experience either a 500 error or the system displays the download indicator then the indication stops without the document(s) downloaded
- This will be fixed in 2024 1st quarter

It is not yet "2024 1st quarter," and indeed we observe that the bug still exists, even though the PTO has this on the "Resolved" list. In Private PAIR, this has worked fine for over a decade, and the pages are delivered in a sensible order. In Patent Center, file wrapper download fails unpredictably. When Patent Center does deliver a file wrapper, the pages are reordered in a remarkably confusing way. In a phone call to the PTO's help desk in late September, the PTO conceded that the page-order problem won't be corrected for several more months.

**Unresolved bug 2.** The PTO's status page lists several further features that don't work in Patent Center, so getting work done requires EFS-Web or Private PAIR:

##### **Additional feedback currently in development**

We are working diligently to complete implementation of EFS-Web and PAIR functionality in Patent Center. We are also currently working on additional functionality that you have suggested which will be available soon:

- Displaying the attorney document number on the fee payment page
- Filing an Assignment through Patent Center
- Inventor name filter in the Workbench
- Ability to remove a registration number from multiple customer numbers
- Download documents indicator for Correspondence

**Unresolved bug 3.** The PTO’s bug list reports at least two bugs as “resolved” that are still broken as of September 30. The PTO reports:

**RESOLVED: Limited continuity data displayed**

- Due to USPTO system changes, enhancements made to Patent Center continuity data have been limited. Currently both Patent Center and Private PAIR are displaying a more restrictive continuity data.
- We are working to restore enhanced continuity data at the end of May.

This is still broken for at least some cases. The “PCT” is the Patent Cooperation Treaty. About 10% of applications filed in the United States are PCT applications somewhere in the family chain. On September 30, one signatory of this letter reviewed about 50 PCT applications, and found that most U.S. child continuity data is erroneously reported by Patent Center. This is especially important to competitors of the applicant—they need to know *with certainty* whether or not an application is filed in the United States. This information is available from the European Patent Office (the EPO’s system is called “espacenet”) and a U.N. agency in Geneva (their system is called PatentScope), but not (reliably) via Patent Center.

**Unresolved bug 4.** The second bug reported “resolved” but where the bug remains relates to “Web ADS,” a feature available in EFS-Web that allows correction of inventors’ names, invention title, and similar bibliographic data. The PTO claims that the bugs are “RESOLVED”:

**RESOLVED: The Corrected Web ADS is temporarily unavailable in Patent Center.**

- Please use a customized ADS form instead
- Please include all inventors on the customized ADS form.

This is still broken, for at least patent applications filed under the Hague Treaty (see [CP101](#)), for § 371 applications (the U.S. daughter from a PCT parent application, see [CP102](#)), and for provisional applications (see [CP98](#)).

To those of us with earlier software engineering careers, this bug is a symptom of a deeper disease. Well-engineered software is written in compartmentalized functions, so that when a bug is fixed in one context, it’s fixed in all contexts. The fact that this is fixed for some contexts and not others leads us to question the overall software engineering approach.

**Unresolved bug 5.** Patent Center has never been reliable with respect to fees—checkboxes needed to pay fees are missing, especially for less-common filings. The PTO claims this is fixed:

**RESOLVED: New PCT filings**

- New PCT filings does not show fee code 1710 when uploading the appropriate zip file.

Perhaps one instance is fixed. But other instances are not. The fee problem has been pervasive—as one instance gets fixed, another breaks. As late as September 19, a signatory to this letter had to give up on a Patent Center PCT filing and use the U.N.’s system in Geneva because Patent Center would not permit payment of correct fees. Signatories of this letter have been blocked from paying issue fees for certain classes of patent applications from May 2021 to September 2023 (see [CP49](#) and [CP50](#)), and had to use EFS-Web as the fallback.

These bugs have been communicated to the PTO on multiple occasions over two years. The recurring cycle of repair-break-repair-break suggests a software quality process flaw that runs deeper than an individual bug or two. When bugs that prevent essential work from being done go unfixed for two years, and the flow of bugs fixed is nearly the same as the flow of new bugs introduced, readiness by November 8 is implausible.

**Unresolved bug 6.** Patent Center has several bugs that are specific to a browser. For example, on the PTO’s “resolved” list are these two:

**RESOLVED: Firefox browser issue when trying to log in**

- If you are having trouble accessing Patent Center with the Firefox browser as a logged in user, please try logging in using either Chrome or Edge.

**RESOLVED: Petition based on Age grant letter does not display in Firefox**

- Please use the Chrome or Edge browser to file the Petition based on Age.
- If you use Firefox, the grant letter is not displayed on the receipt page as expected. You will receive a pop-up dialog to open or save the pdf document containing the submission receipt/grant letter document. You can also select "Save as" to download the receipt document on the receipt page.

PTO states that the issue is “resolved” even though it admits that the software doesn’t work for the substantial number of users that use browsers other than Chrome and Edge. (Because these two browsers are so intrusive in their information collection, many patent attorneys are reluctant to use these two browsers for their client’s secret information.) The PTO has not explained how its proposed “resolution” is consistent with its legal obligation to “implement [the collection] in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond,” 44 U.S.C. § 3506(c)(3)(E).

The PTO has no clearance to require users to use Chrome or Edge. Further, this suggests other latent bugs—good software engineering avoids coding techniques that tie software to specific features of specific browsers, specific features of Windows vs. Linux vs. Apple IOS vs. Android, and the like.

**Unresolved bug 7.** For certain reports generated by Patent Center, the column that gives the attorney’s docket number sometimes cannot be included on the report. (Patent filers track their applications by their own matter numbers, not the PTO’s. Listing the PTO’s serial number alone is not helpful.) In many contexts, this makes the



report all but useless. This has been broken and fixed (see [CP90](#) and [CP91](#), January 17, 2023; [CP108](#), March 19, 2023; [CP148](#), August 28, 2023), and now it is broken again (trouble ticket [CP151](#), September 18, 2023) — which suggests that Patent Center’s software testing processes are inadequate. In a PTO Patent Center webinar training event on September 19, 2023, the PTO presenter admitted this bug and said it would not be corrected until “sometime in October.” Notice that this acknowledgement of a crucial bug was the day before the PTO’s announcement of decommission of EFS-Web and Private PAIR. Those of us that began our careers as software engineers operated under “ground rules” that a bug couldn’t be closed until a test was added to the test suite, to make sure the bug couldn’t come back. It’s apparent to us that the PTO’s software quality processes are not sufficiently rigorous to ensure reliability, and not up to private sector standards.

**Summary.** These issues are critical to the public’s interactions with the PTO. Many of the signatories of this letter were software engineers before shifting careers to patent law; we assess that it is implausible that all of them will be fixed (with no introduction of new bugs) by November 8. It is particularly unlikely they will be fixed if they are listed as “resolved” bugs.

The mismatch between the PTO’s *claim* of “resolved” and admission of “not resolved” raises a substantial Information Quality issue. That Information Quality problem is discussed below in § V, starting at page 14 of this letter.

## **B. Examples from the public that are not on the PTO’s list**

The public has noted a number of such necessary-but-unimplemented features. Attachment 2, the slide set from AIPLA, at slides 5 and 8, lists some of these unimplemented necessary functions. Additional letters are at:

- September 29, 2023, 178 co-signatories to Kathi Vidal, the Director of the PTO, listing bugs and pointing out process failures that were delaying getting them fixed, attached as Attachment 8.
- June 9, 2023: After the PTO first claimed that “Patent Center has 100% of the functionality of EFS-Web, Public and Private PAIR,” a group (who are co-signatories of this letter) emailed a list of eleven functions in Private PAIR and EFS-Web that Patent Center did not fully provide. That email is available at <https://blog.oppedahl.com/wp-content/uploads/2023/09/20230609-to-vidal.pdf> and attached at Attachment 7.
- July 11, 2023, email to Greg Vidovich, the quality specialist on the Patent Center team, identifying five bugs that block users’ ability to get work done. This email is available at <https://blog.oppedahl.com/wp-content/uploads/2023/09/20230711-to-vidovich.pdf>.
- Because the PTO has no observable and reliable tracking of bugs (see § V starting at page 14 of this letter), a team of the signatories of this letter have developed their own bug list at <https://patentcenter-tickets.oppedahl.com> and regularly updates the relevant PTO staff of new bugs and progress against old ones.

Together, these lists total about 100 bugs. About a dozen are high priority, as listed in Attachment 4:

- For biotech inventions filed under the international Patent Cooperation Treaty (PCT), Patent Center will not accept a high fraction of applications for national phase in the U.S. All world patent offices agreed on a change in format for bio sequences (DNA, RNA, and amino acid sequences) effective July 1, 2022. However, there's a 30-month time lag between the last date for applications filed internationally under the PCT and the last date on which daughters of those same applications can lawfully be filed in the U.S. In other words, old-format applications will be legally entitled to U.S. entry until December 31, 2024. But Patent Center doesn't accept old-format sequences (see [CP153](#) and a [blog article](#)). Because the PTO's consultation with the public was inadequate, Patent Center overlooked users' needs by fourteen months—a significant number of inventions will be unpatentable in the U.S. simply because of inadequate software. **Patent Center either needs to be upgraded to accept old-format sequences ("ST.25" is the technical name for the old standard), or else decommission of EFS-Web must be delayed until January 1, 2025.**<sup>3</sup>
- Patent Center does not accept payment of fees for certain applications (see [CP49](#), [CP94](#), and [CP160](#)). If EFS-Web is shut down before this is fixed, the only real option will be to pay by paper check or a paper request to charge credit card—no convenient electronic payment mechanism exists.
- Patent Center requires a state or province for countries that should not require it (see [CP127](#))
- For certain reports generated by Patent Center, the column that gives the attorney's matter number sometimes cannot be included on the report. That means that the report cannot be sorted by that number, and that the information in the report is difficult to correlate to the specific file to which it is relevant. (See [CP151](#)).
- For applications filed under the Hague Convention (another international treaty), the registration number that is displayed is incorrect—not just missing, *incorrect*. (See [CP155](#).) The only way to obtain this information is Private PAIR. This is a new bug, introduced no or about September 20, 2023—the date of announcement of decommission of Private PAIR.
- In Private PAIR, the pages in downloads are in rational order. When the same papers are downloaded from Patent Center, the pages are scrambled. The PTO now promises to have this fixed in 2024 Q2. The PTO does not explain how it expects the public to get work done before then.

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<sup>3</sup> The PTO itself acknowledges that "A 'Sequence Listing' in Standard ST.25 format [the old format] cannot automatically be converted into WIPO Standard ST.26 format [the new format]." <https://www.uspto.gov/web/offices/pac/mpep/s2418.html> There is no meaningful alternative but for the PTO to accept old-format sequence listings until January 2025.

- In Attachment 2, note how many of the comments mention “slow” or “throttling” or “uptime.” Patent Center has not demonstrated robustness, reliability, or scaling as loads increase. When Private PAIR and EFS-Web are decommissioned, the load on Patent Center will double or triple. In the last decommission of a different system (Public PAIR) about a year ago, the PTO had not planned for the scale-up in load, and Patent Center was all but unusable for several days.

The PTO has never acknowledged any of these letters or communications,<sup>4</sup> let alone ensured that all bugs are added to the PTO’s bug tracking system, or communicated action on them. Nonetheless, in conversations with senior PTO career staff, it becomes apparent that senior career staff are aware of at least some of these communications—the conversational tone notably shifts when the names of those that report bugs are mentioned. We have received no explanation for lack of corrective action. The PTO has shared no analysis behind the PTO’s decision to decommission the working software while Patent Center still has such deficiencies.

The PTO’s failure to seek ICR clearance cannot be excused as *de minimis* failure to address a minimal issue—the issue is large in magnitude. Public comment is the essential mechanism for an agency to adequately assess its own performance. Until the PTO conducts a proper ICR public comment period (and gets a reassuring result), decommission of EFS-Web and Private PAIR is premature.

### **C. New bugs introduced in the last two or three weeks**

The PTO does not follow the disciplines used to ensure that bugs are fixed and no new ones introduced, as is the common practice in the private sector for high-impact software projects that require high reliability. In the last two or three weeks, several new bugs have been added to Patent Center. Things that used to work don’t work now.

These are not the normal bugs expected in a normal engineering process as it approaches a normal release date. Our external observation suggests that the PTO is not observing basic procedures for software management and release, at least not the procedures that are used for high-impact systems that require high reliability. In particular, the quality assurance function seems to be entirely non-functioning.

**New bug 8.** Unresolved bug 7 at page 8, above, is a critical bug keeps coming back. It reappeared on almost the same date that the PTO announced decommission of Private PAIR and EFS-Web. It’s a particularly-easily tested bug—it’s surprising to us that it can’t be fixed in a way that stays fixed, and that the PTO’s quality assurance process is insufficient to catch the reintroductions.

**New bug 9.** On October 4, a new bug came up that no one on our email lists had seen before. The email to the patent practitioner lists explains the problem:

[redacted], email of October 4 at 9:03AM

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<sup>4</sup> The PTO’s non-response prompted a blog post at <https://blog.oppedahl.com/?p=9957>

Yesterday evening we uploaded a PDF for a new provisional into Patent Center. We created the PDF from Word via the “save to PDF” option. After upload, Patent Center gave us this warning:



We thoroughly reviewed the source Word document and the uploaded PDF and could not find any “comments or notations.”

The practitioner was (understandably) worried, so we uploaded the exact same PDF in EFS-Web and (you guessed it!) there were no warnings. To be on the safe side, we filed through EFS-Web. When we later downloaded the PDF from the image file wrapper, it was fine.

Have any of you gotten this warning? If so, how did you handle it?

If we hadn’t had EFS-Web to fall back on we would have had to call the EBC for help. We have not had very good luck with that option in the past.

This is apparently a new bug, illustrating the continuing instability of Patent Center. Patent Center reports that a patent application has an error—but gives no meaningful diagnosis. It’s up to the filer to ascertain whether the problem is the PDF uploaded vs. Patent Center. The only way to isolate the fault is the one mentioned in the email: compare the result between Patent Center and EFS-Web. The filer estimated total burden for this bug at 100 minutes:

- Attorney and my time to review the uploaded PDFs for purported issues: 30 minutes. (two people on a 15 minute Teams call/screen share)
- Subsequent discussion of how to handle it: 20 minutes (two people continuing the teams call for another 10 minutes)
- Paralegal time to recreate the filings in EFS-Web, 15 minutes.
- Attorney time to review EFS-Web saved submissions: 15 minutes.
- My time downloading and checking the PDFs from the [file wrappers] after filing: 10 minutes

Our observation is that the PTO adds new bugs to Patent Center nearly as quickly as they resolve old ones. Given the ratio to new to old bugs, Patent Center will not be ready by November 8.

**New bug 10.** Another new bug was apparently introduced into Patent Center in late September:

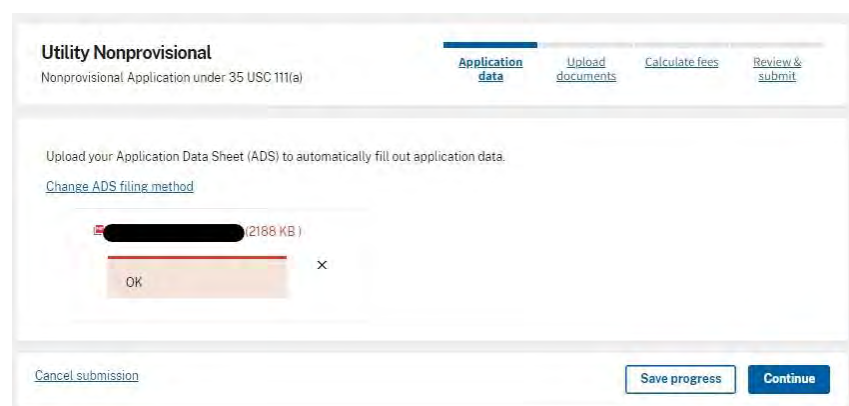
[sender redacted] email of October 6, 2023, 11:17AM

Is Patent Center randomly refreshing back to the home page in the middle of a filing? It's happened a few times for me over the last week, and it's super frustrating! I have to start the submission from the beginning when it happens.

Within minutes, other members of our email lists chimed in, that they were seeing the same new bug. One wrote "I have changed the settings on my browsers and still encounter it intermittently." Again, we observe that it appears that the PTO is introducing new bugs nearly as fast as they fix old ones.

**New bug 11.** Our email lists have had an extended discussion among our list trying to identify the source of the bug—it may not be a software error *per se*, rather a new error in one of the PTO's forms. The following is the diagnosis by the first person to report it (followed by a number of confirms):

This morning I tried to upload an ADS [the same bibliographic data sheet discussed above in "Unresolved bug 4" at page 7] to Patent Center using the middle option "Upload ADS (PDF)" like I usually do. For some reason it didn't like my ADS, but it doesn't tell me what is wrong with the document to fix it. The screenshot below is the error I got.



How is [an error message "OK" with no further information] even remotely helpful?? I tried exporting the data and importing it into a new ADS form (downloaded from the USPTO cite) as well. I'm assuming whatever error is in the current ADS imported in (I assumed it would but it was worth a shot). It was a fairly large ADS so I didn't want to manually retype everything all over again to try and fix an error that was unknown to me, only to get the same error again. I checked all the data and made sure nothing looked out of the ordinary, but nothing I tried seemed to get it to upload successfully. I ended up having to just upload it under the "No ADS, or Attached ADS (PDF)" option instead and it worked fine.

It would be really helpful if there is some sort of error that the USPTO actually tells you what is wrong with it so you can fix it. Has anyone else come across something like this and figured out how to fix whatever the error was with the document?

This person estimated burden for the bug and the PTO's poor diagnostic messages as about an hour:

I would say roughly 60 minutes total. Here is the breakdown of the approximate estimate of time.

- o 30 minutes to get the troubleshooting for the ADS unknown issue.
- o 10 minutes to prep an email to [the email list] to see if it was just me having the issue or if other users having similar problems or have solutions to the error since the USPTO didn't provide any helpful information as to what the problem was or how to fix it.
- o 5 minutes or so to discuss the ADS issue with the signing attorney
- o 10 minutes to manually add application info and load the remaining documents for filing
- o 5 minutes to proof all data was manually added correctly and docs were accurate

I am fairly techy with this stuff and an experienced paralegal, so my time to deal with this is probably significantly less than someone who doesn't have the same experience or natural knack for the in's/out's of these forms and loading filings all day, every day. Sometimes if there is a late filing and attorney takes over, they wouldn't be nearly as quick to fix the issue since it's not something they deal with on a regular basis, or even something as simple as someone being new to using Patent Center. ... it shouldn't be this difficult and time consuming [just to diagnose the problem]

**New bug 12.** A few weeks ago, Patent Center introduced a new bug—when an applicant uploads a Japanese document, Patent Center blanked out all the Japanese text. The same document is accepted correctly by EFS-Web.

It's always dangerous to speculate about internal process based only on externally-visible behavior, but some degree of inference is unavoidable. We conjecture that perhaps the PTO set November 8 as an unrealistic release date, and has decided to compromise quality and reliability rather than adjust the schedule to adjust to the public's (and the law's) requirements for reliability. Whatever the underlying cause or process, it is hard to avoid inferences that the PTO has de-weighted software reliability for the public, has abandoned whatever quality process it may have had at one point in time, and continues to neglect Paperwork Reduction benefit-cost analysis. Without those processes in place, the probability that Patent Center will be sufficiently stable for production work by November 8 is zero.

## **V. The PTO's decision-making fails Information Quality requirements**

The PTO claims that "Patent Center ... has 100% of the functionality of EFS-Web, Public and Private PAIR, and is available to all users for electronic filing and

management of patent applications.”<sup>5</sup> This conclusion of “100% of the functionality” was influential in the PTO’s choice to decommission EFS-Web and Private PAIR in favor of Patent Center.

Though the PTO has not published any quality or readiness review, we infer that the PTO has conducted such a review, and has concluded that the quality of Patent Center is sufficient. Likewise, if any such readiness review was conducted, it was influential.

First, both are false. Evidence of falsity is the PTO’s own list of bugs and unimplemented features in Attachment 3 and § IV.A of this letter. The public’s lists of bugs and unimplemented features are in Attachment 2, Attachment 4, Attachment 7, and Attachment 8. The PTO has been well aware of these lists for many months. In the case of Attachment 4, the PTO has been aware for years.

Second, these influential statements fail Information Quality principles. Neither is objective or reproducible. The PTO disclosed no supporting documentation, and we know of none. Both have negative utility to the public, because both influence a decision in a way that causes public harm. Negative utility is demonstrated in the survey of Attachment 2 and the letters of Attachment 7 and Attachment 8. The PTO’s information has low integrity, as demonstrated by the disconnect between the PTO’s claims of “resolved” vs. the admissions that the problems are known to exist and won’t be fixed for several more months.

Third, both would have been based on the PTO’s bug collecting and tracking processes. The PTO’s bug reporting and tracking are far below commercial standards, and fail Information Quality requirements for source data. The PTO makes it **incredibly** difficult to report bugs. See Attachment 5 and Attachment 6. When the public does manage to report a bug, PTO staff commonly close the bug as “not reproducible”—but without ever contacting the person to try to reproduce it or to gather the information necessary to reproduce it. Many times, the PTO’s notes (Attachment 3) mischaracterize the bug or respond with a *non sequitur*—with the consequence that the bug gets closed, without being tracked or fixed (see the PTO response at the bottom of Attachment 5 for an example). PTO staff regularly recharacterize bugs as optional “feature requests,” thereby avoiding having to fix those bugs. In 2021, the PTO simply deleted all reported bugs, so older bugs never got fixed. These problems with the PTO’s bug tracking were provided to the PTO in a letter of December 2021 (see Attachment 6), but the PTO has taken no externally-visible steps to bring its bug tracking up to the requirements of the Information Quality Guidelines. The post at Attachment 5 states the writer’s inference, that the difficulty in reporting bugs is so extraordinary that it can only be intentional, designed to skew PTO decision-making.

The PTO cannot complain that it doesn’t know about bugs if the PTO makes it difficult to report them, and responds dismissively to those that make it past the wall.

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<sup>5</sup> File Online, <https://www.uspto.gov/patents/apply>

Fourth, as illustrated in § IV.A above, the PTO uses words in unexpected ways, to the confusion of all concerned. The PTO uses the word “resolved” to mean something less than “the software works in a way that meets users’ needs.” When Patent Center’s bug list uses the word “RESOLVED”, it can mean any of four things:

- The PTO thinks the bug is fixed, and the software now works the way that users would expect to satisfy all legal requirements.
- The PTO acknowledges that the software is broken and has not fixed the bug, but there is some other way to accomplish the function (a workaround).
- The PTO has put the bug on an internal list of bugs that need to be fixed, but it is not yet fixed.
- The PTO knowingly misclassifies a bug as having been fixed.

From the information on the PTO’s web site, it is often difficult to work out which of these four meanings is being communicated. We conjecture that higher-level decision-makers made the decision to decommission Private PAIR and EFS-Web based on misrepresentations by lower-level staff, not knowing of the idiosyncratic definition of “resolved.”

Fifth, apparently the PTO’s quality process is insufficient to generate reliable information, as we discuss in § IV.C starting at page 11 of this letter.

Sixth, and most importantly, even the flawed information *available to the PTO* does not rationally support a conclusion that Patent Center will be ready by November 8, for reasons we discussed in § IV.A above. The benefit-cost analyses underlying the PTO’s decision-making process (under the Paperwork Reduction Act and Executive Order 12866) are inadequate.

Because of process flaws, poor data collection and analysis, and an idiosyncratic definition of “resolved,” the PTO has no objective or well-supported basis to evaluate readiness of Patent Center, and the PTO’s claim of readiness for Patent Center fails Information Quality principles.

Decommission of EFS-Web and Private PAIR should be delayed until high-quality information, gathered from users who actually use Patent Center, confirms that Patent Center delivers the full necessary functionality of EFS-Web and Private PAIR, and can deliver it with the same reliability. OMB should insist on a specific explanation of what the PTO believes the word “resolved” means, including relevant examples, and a specific demonstration of Information Quality principles in the PTO’s decision-making.

## **VI. Conclusions**

We request that OIRA require the PTO to stand down on decommission of EFS-Web and Private PAIR, until the PTO proves that Patent Center meets the public’s needs. OMB should insist that any such showing meets the requirements of the Information Quality Guidelines. The stand-down should be conditioned on the PTO obtaining an Information Collection clearance to require use of Patent Center. Our assessment of the trajectory of Patent Center suggests that this delay will be on the order of a year. The costs to the PTO should be minimal—the PTO stopped spending



on ongoing maintenance of Private PAIR and EFS-Web several years ago. The PTO should be directed to review its quality systems to ensure they meet adequate standards. The PTO's bug-collection and bug-tracking systems should be reviewed to ensure that they meet Information Quality requirements—it should be easier for the public to report bugs, and the PTO's decision-making should be more objective and reproducible.

**Point of contact.** A single point of contact can refer specific issues to specific authors of various sections of this letter. Please route any questions or further inquiries to David Boundy, [DBoundy@PotomacLaw.com](mailto:DBoundy@PotomacLaw.com), (646) 472-9737.

Respectfully submitted,  
137 Intellectual Property Professionals

cc: Kathi Vidal

Attachments:

- Attachment 1. The PTO's press release announcing decommission of Private PAIR and EFS-Web (Sept. 20, 2023)
- Attachment 2. Report of AIPLA survey for readiness evaluation
- Attachment 3. PTO's *Patent Center information* page from <https://www.uspto.gov/patents/apply/patent-center>
- Attachment 4. A list of bugs collected by the public and shared with the PTO regularly, from <https://patentcenter-tickets.oppedahl.com>
- Attachment 5. A post to the PTO's bug reporting web site noting the difficulty of reporting bugs through that web site, from <https://uspto-omod.ideascalegov.com/c/idea/65496> .
- Attachment 6. Letter to Acting Director Drew Hirshfeld (Dec. 16, 2021)
- Attachment 7. Email to Director Vidal (Jun. 9, 2023)
- Attachment 8. Letter to Director Vidal and Inspector General Gustafson (Sep. 29, 2023)

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# **Attachment 1**

**The PTO's press release announcing  
decommissioning of Private PAIR and EFS-Web  
(Sept. 20, 2023)**





## United States Patent and Trademark Office Daily Digest Bulletin

U.S. Patent and Trademark Office <subscriptioncenter@subscriptions.uspto.gov>

Thu, Sep 21, 2023 at 8:48 AM

### Patent Center to fully replace USPTO legacy system for filing and managing patent applications online

09/20/2023

Having trouble viewing this email? [View it as a Web page.](#)

## Press Release



### Patent Center to fully replace USPTO legacy system for filing and managing patent applications online

WASHINGTON—Beginning November 8, 2023, the U.S. Patent and Trademark Office’s (USPTO) [Patent Center](#) system will fully replace the EFS-Web system and the Private Patent Application Information Retrieval (Private PAIR) tool for the electronic filing and management of patent applications.

“At the USPTO, we are dedicated to providing the most reliable tools to offer a seamless approach for our users,” said Kathi Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO. “Patent Center serves as another reminder of our commitment to innovation and upholding high quality standards in all of our systems.”

The transition to the Patent Center system is essential to ensure that USPTO tools continue to meet and evolve with our user’s needs for patent application filing and retrieval.

Since its launch six years ago, Patent Center has undergone rigorous user testing and iterative improvements, based largely on public feedback. We will continue to use the feedback we receive from our stakeholder listening sessions, Patent Center training programs, and other events to further refine Patent Center to meet users’ needs. Suggestions and ideas for improvements can be submitted by contacting [emod@uspto.gov](mailto:emod@uspto.gov).

In addition to the functionality currently available in EFS-Web and Private PAIR systems, Patent Center provides improved system performance and a more intuitive user interface for an enhanced user experience. Patent Center also includes new features:

- Upload multiple files at once using the drag and drop interface
- Upload the specification, claims, abstract, and drawings in a single DOCX document without the need to manually separate sections
- Download multiple documents at one time within a single PDF or ZIP file
- Separate submission and payment receipts clearly confirms the status of submitted documents and successful payments
- Training mode is an interactive simulation to safely practice filing DOCX and PDF documents and receive real-time feedback

In preparation for the transition, the USPTO is [hosting several training events](#) with question-and-answer sessions to further increase users' familiarity with Patent Center. For more information, including instructional guides, links to training, and contact information for technical assistance, please visit the [EFS-Web and Private PAIR retirement webpage](#) and the [Patent Center information webpage](#) on the USPTO website.

This upgrade of USPTO systems is just one way we are updating our online services. For information on additional enhancements, visit our [web improvements page](#). Stay current with the USPTO by subscribing to receive email updates at our [Subscription Center](#).

## **Attachment 2**

### **Report of AIPLA survey for readiness evaluation**

# AIPLA

American Intellectual Property Law Association

## Patent Center Survey 2023

# AIPLA

American Intellectual Property Law Association

## Executive Summary

- 513 respondents
- 84% Frequent Users or Power Users of Platform
- Results are Strongly Consistent

## Question 1

- **Would you be comfortable with Private PAIR and EFS Web being shut down in favor of PatentCenter by sometime later this summer?**

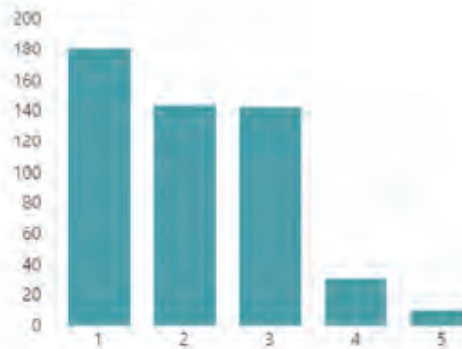
● No - Not comfortable with that... 455  
● Yes - This should be fine 58



## Question 2

- **In your opinion, how ready is PatentCenter for full day-to-day use (without Private PAIR or EFS Web as backup)**
  - (1-5) 5 meaning fully ready

2.11  
Average Rating



## Question 3 Issue Choices

- e-Petition process is changed and more cumbersome
- Docx Issues
- Incorrect or missing continuity data
- Data access - exceeding search limits
- Data access - authentication issues
- Lack of advance notification of changes
- Difficulty searching/filtering matters on docket
- Sponsorship process issues
- Interface issues when accessing large numbers of customer numbers
- General stability and uptime

## Question 3 Answers

• e-Petition process is changed a...	209
• Docx Issues	275
• Incorrect or missing continuity d...	158
• Data access - exceeding search li...	247
• Data access - authentication iss...	214
• Lack of advance notification of c...	189
• Difficulty searching/filtering mat...	212
• Sponsorship process issues	75
• Interface issues when accessing ...	85
• General stability and uptime	369



Top 3: Stability Issues / Docx / Access Throttling

## Question 4 Free Text Question

- **What are other issues/shortcomings of PatentCenter that would need to be resolved to make it a viable replacement for Private PAIR/EFS Web?**

## Free Text Answers

(paraphrased and normalized)

- Stability and Reliability
- Feature Parity with EFS and PAIR
- Transition and Change Management & Update Communication
- Document Organization and Ordering - Specifically References for IDSs, Authentication and Login Issues
- Payment and Fee Issues (Correct Fees, e.g. PCT Fees)
- Ability to Filter by Practitioner/Docket No.
- Programmatic Access and Backend APIs
- Document Formatting and Control
- Bulk Download and Access to Cited References
- eFiling Receipt issues
- ePetitions, Terminal Disclaimers and e-Filings - Allowing a sponsor to file
- Sequence Listings (ST.25s)
- XML Data Download for all application information
- Outgoing Correspondence
- Inconsistency Data Consistency & Updating
- Ability to file in all document categories
- Change Entity Status

## Question 5 Usage

- **How often do you currently use Private PAIR, EFS Web, and/or PatentCenter?**

• Rarely	008
• Weekly	072
• Daily	151
• Multiple Times Daily	281

84% Frequent Users / 54% Power Users

**Question 4: What are other issues/shortcomings of PatentCenter that would need to be resolved to make it a viable replacement for Private PAIR/EFS Web?**

I use Private PAIR and EFS daily. I use Patent Center once a month or so just to see if it's working reliably yet. It never is.

The entire PTO IT operation has dissolved into a puddle of amateurism, incompetence, and unreliability. Many of the fundamental design decisions were wrong from the get-go (DOCX for instance). The best thing the PTO could do is instruct that everything goes back to where it was some time ago (maybe late summer 2021) and then the entire IT team should go home.

Everything. Sincerely, everything. Its known issues are offensive. Its resolution to known issues is offensive. DOCX poses significant risk due to its lack of fidelity in conversion process. It cannot accurately calculate fees for PCT filings. ePetition issues. Auto-doc typing WITHOUT allowing edits depending on document name. To be frank, it appears no one who supports Patent Center actually knows how to use it.

We are not yet able to rely on DOCX. It is hard to trust that the final product will be what you intended on uploading and submitting. As well as no clear solutions to troubleshoot the errors that occur when submitting a DOCX document.



There is a list of known trouble tickets, many of which have been issues for YEARS. List of issues above doesn't include simple inability to accomplish filings due to lack of capability in PC. A few times recently I've contacted EBC on some issue, and inevitable the suggested work-around is to file whatever it is via EFS-Web. EFS-Web, at least, should not be retired until every single issue for which there is an outstanding trouble ticket has been resolved (as acknowledged by users, not merely by the USPTO). Have not had any issues compared to Private PAIR, although the document descriptions in the PAIR IFW file are more readily comprehensible.

There are many bugs and reliability issues with PatentCenter. For instance, the (new) ADS auto-populate feature has a problem in which once an ADS is loaded it cannot be changed without scrapping the entire submission and reuploading all documents; this might mean that 50-60+ documents need to be re-uploaded and re-reviewed for submission. PCT national phase entry applications often have missing application data in PatentCenter for post-filing submissions like amendments. Also, when simply looking up patent information on PatentCenter, links to the new Patent Public Search are frequently nonfunctional. The "basic" Patent Public Search interface does not allow searching by application serial number, and the "advanced" Patent Public Search interface is cumbersome, prone to inoperability bugs (which give the impression of attempts to push interface computing loads onto visitor workstations and off of USPTO servers in a way that creates a highly brittle and unstable platform), and simply too esoteric for unsophisticated users to reasonably be expected to decipher and use. This means that PatentCenter is potentially the only mechanism to search for associations between patent numbers and application numbers, yet this functionality is flawed and unreliable. Additionally, PatentCenter makes patent number information non-copyable. So, when looking up a patent number from an application serial number in PatentCenter, the patent number cannot be copy-and-pasted into "basic" Patent Public Search--and the hyperlink to "advanced" Patent Public Search is frequently non-functional (these links are unreliable in their functionality). Much of the new eGrant scheme was premised on these electronic systems being available that the USPTO is or has already retired and are being replaced with unreliable ones. To continue, file wrappers on PatentCenter no longer permit helpful "bookmarks" in single-PDF downloads to easily identify individual documents like office action and amendments--instead there are esoteric codes that make the PDF bookmark function nearly worthless compared to what PAIR long offered (PatentCenter combined single-PDF file wrappers often force user to review each page without the aid of bookmarks to locate relevant information within PDF files that may be 1000+ pages). As another issue, submission acknowledgement receipts in PatentCenter differ from those in EFS-Web; in PatentCenter, the filer is listed as whichever user initiated the submission not the (potentially different) user who clicked "submit", whereas EFS-Web lists the filer as the user who clicks "submit"--this removes potentially important information from the official record (it can no longer be determined from acknowledgement receipts if a submission was made by a non-registered practitioner on his or her behalf by an allegedly authorized support staff person, or directly by the registered practitioner). Moreover, not all ePetitions are available on PatentCenter as were available on EFS, such as for PCT national phase entries. But my major concern is the general lack of reliability of PatentCenter--it simply doesn't work as reliably and is far more prone to glitches, bugs, and anti-features than EFS was and is. Another concern is that each step forward with PatentCenter seems to be coupled with one or two steps backward--and that applies to Patent Public Search too.

Not stable enough. Seems like there are more problems with PatentCenter than EFS than I've noticed in the last 10 years of working in patent prosecution. Not able to do e-Terminal Disclaimers or Corrective ADS's are also big disadvantages.

Low reliability

Jesus fucking christ, are you kidding? There's a list longer than my arm of problems with patent center here: <https://patentcenter-tickets.oppedahl.com/>

Many of those problems have been around for YEARS, but the PTO doesn't give a flying fuck.

PTO are a bunch of lying sacks of shit, about many things, including patentcenter. Patentcenter sucks, and EFS and private PAIR are not ready for retirement. It was bad enough when they took public PAIR down and the public search feature - now I can't get text versions of patents.

Oh, and your question 5 is idiotic: the question shouldn't lump PC (piece of crap, aka patentcenter) with PAIR and EFS. I use PAIR and EFS every day. I avoid PC like the plague and use it only when I don't have a choice, because it's sooo fucked up.

PTO moves ahead with this, it's going to get sued.

The Patent Center filing system sometimes just freezes or stops working mid-stream when uploading a filing with no apparent reason and no available solution. When this happens, we are forced to revert to EFS-Web to file. We don't have time (nor should we have to find the time) to keep trying again later, waiting until Patent Center magically resolves its issues.

With Patent Center being the only option for filing ST.26 sequence listings, we have had significant issues due to disappearing document type options. For example, recently during the filing process for a new application, the sequence listing document type was not available. We called the EBC and they could see the sequence listing type it on their end, but had no answer for why it was not available to us for selection during the filing process. On their advice, we used the "table" document type instead. As a result we received a NTFMP with a size fee of over \$13,000. We have spent HOURS of paralegal time trying to get this resolved. When we bill this time to the client, it will be challenged and we may end up having to write it off.

There are work-arounds for the deficiencies in Patent Center's presentation of the image file wrapper. The ONLY work-around for Patent Center's unreliability for patent filings is EFS-Web. And for ST.26 sequence listing filings, EFS-Web is not a work-around either.

More testing is needed before it can be the trusted platform that we all need to be using.

PCTs have to be filed with EFS-Web so that the proper fees calculate. They say a fix is coming in June, so hopefully soon, but right now if you file in Patent Center, you don't get the electronic discount.

When using Patent Center to submit an Information Disclosure Statement with prior art PDF reference attachments, the reference files are not listed in their numbered order in Patent Center. It ignores the numbers in the file name and lists them randomly. This makes it harder to review. When uploading the reference documents into Patent Center, it does not correctly classify the references as "foreign" or "non patent literature", requiring a manual selection for every reference document. The e-filing receipts are all named the same thing - We would prefer them to be more like the EFS filing receipts so that we don't have to rename them all.

There needs to be documented programmatic access to the backend APIs.

on a fundamental level, being up regularly. Actually having all the features of PAIR/EFS would be another.

There are no shortcomings in Private PAIR/EFS Web that necessitate the change to PatentCenter in the first place. It seems like change for change's sake

Needing to save separate e-filing Receipts, once for the filing and a second time for the payment of a fee is extremely annoying. That should be remedied. It should also be made sure that e-filings and approvals of Terminal Disclaimers are possible in Patent Center.

I think the items noted above are representative.

Authentication and data access
Docx
Need more certainty that PatentCenter will work when large numbers of users are relying on it. Perhaps also a fail-safe backup electronic filing system (something like a fax option that doesn't shut down - the USPTO can scan documents if their systems are going to be down for more than a few minutes.)
all e-petitions must be available on Patent Center, this should be a priority. Also, the pdf button under the assignments tab in Patent Center sometimes works, but most of the time it does not. Please make it work. Please stop pushing for docx to be a viable way of filing anything. It's totally unreliable.
See the list Oppedahl etc. keep, maintain, and have communicated to the PTO. Its massive. And at the rate the PTO has been solving them, I would not be comfortable losing EFS/pPAIR for....about a decade. Seriously. PatentCenter should not have even been released from alpha status at this point. Embarrassing.
The main issue for me personally is that I cannot download cited references in bulk. I can only download a certain number of pages at a time. Now even EFS doesn't work the way it used to.
Fundamentally, stability needs to be fixed. Also, issue fee payment (business type for assignee and multiple assignees) needs fixing. As does the continuity part of the online ads. Many other fixes are needed, but are too numerous to list here.
Fees often get removed if the filing is saved to workbench.
We are still filing US national phase applications which contain ST.25 sequence listings, which are not accepted by PatentCenter and therefore must be submitted via EFS.
Pls see comments from Oppedahl listserv practitioner community ( <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> ) where there's a full list of comments
PatentCenter has way more issues when uploading reference documents for IDses than EFS Web does. And it is not rare for PatentCenter to go offline or have other glitches that can be circumvented by using EFS Web. It would be a mistake to shut down EFS Web at this time.
Do not change the document we upload into your document - formulas get lost or change, as do figures. weird figures are put in --- this is not the application we intend to file. Why do you have to change a good thing? why can we just upload a PDF, so we know nothing has changed? then you ask tell us that by continuing on we are accepting the USPTO's version of the application - as they changed it in Patent Center - utter nonsense! Quit being so lazy and do your job you are paid to do.
Many of the EFS web functions are not available on patent center. Such as e-petitions etc. The issue fee portal has glitches.

**\*\* Filing/EFS-Web**

I'm a practitioner. My workflow generally involves staff preparing submission packages and saving for my review. PC is worse than EFS-Web in at least the following respects:

- 1) PC list of saved submission packages is not filtered by practitioner, only customer #, making it harder to find the one I need to review.
- 2) In EFS-Web, accessing saved submission package goes directly to the point of saving (usually the final review/submit screen); PC always starts at the first screen, more inefficiency.
- 3) EFS-Web allows download of each document to review. PC has "preview" (which is not available for all documents) or download a zip file containing all docs.
- 4) PC splits multi-part PDFs prior to submission, adding extra documents to the download package for no good reason. Slows down review because I have to look at two copies to make sure nothing got corrupted.
- 5) eProcessing (e.g., Web-85B) is unreliable. Have had signatures and/or dates not show up on system-generated PDF versions, etc. (It also requires practitioner to personally submit, contrary to workflow of many large firms.)

**\*\* Data access/PAIR**

Biggest complaint here is IFW downloads. The bookmarks in downloaded PDF from PC are incomprehensible. PAIR provides intelligible and useful bookmarks.

PatentCenter appears to experience more technical issues and less robust than the Private PAIR/EFS Web system. It is down more often.

Access to published documents, such as issued patents. Clicking on the patent number (for a granted, issued patent) should jump directly to the patent, not require a search through the iffy PPS.

Speed of operation. EFSWeb, PvtPAIR much faster, though recent rework of PC did make it faster.

When filing a patent, download of uploaded docs is almost hidden b/c of font size, placement. VERY easy to overlook and forget.

Customization of Workbench should be sticky; once, e.g., Customer No. (which is useless as a column if you only have one Cust. No.) has been taken off, it should stay gone. Minor but annoying.

Can't get rid of Fee payment column at all. Why?

There are a number of legacy utilities that are either absent or hidden in PC.

Time-out of MyUSPTO is absurdly short and will interrupt you even if you're working in it.

Trademark Docket has stopped retrieving Atty. Docket No., even though it has a column for it.

Renders it substantially useless (I know, these last two aren't PC issues).

PCT Filing Fees are incorrect

The interface when reviewing uploaded documents is cumbersome compared to EFS

Fix all of the issues noted in #3, all the issues on the list maintained by Carl Oppedahl, and provide an XML download that provides application info and all prior OA info exactly like what can be downloaded from PrivatePAIR, which can then be used by various docketing software to compare data and ensure fidelity of info entered in one's docket system.

Too many clicks

So many. See <https://patentcenter-tickets.oppedahl.com/>

PatentCenter does not offer e-Processing of Issue Fees or Web ADSs that populate information from prior-filed applications.

In addition to all of the issues listed above, if a patent or application is assigned to more than one entity, only the first assignee shows in the assignment data. This has been a "known issue" for years and still has not been fixed. Please also see all of the unresolved issues listed at <https://patentcenter-tickets.oppedahl.com/>.

Much more stability and eradication of issues like payments disappearing, sponsorship disappearing, filings going through but not being visible for several months afterwards
There is a long list of problems with patentcenter here: <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> That list keeps growing as more problems are added, as the PTO rarely addresses the problems on the list. Many of the problems on that list were cited several years ago the PTO hasn't done anything about them. Bottom line is that, despite the lies the PTO spreads about how good patentcenter is, it is nowhere close to providing the functionalities of EFS or PAIR (for example, patentcenter misses outgoing correspondence that can be seen in PAIR). PTO should just scrap patentcenter and start over. I suggest that it buy ePCT from WIPO.
everything checked above, in addition Patent Center is vastly inferior even to public PAIR, let alone private PAIR.
- When downloading outgoing correspondence from Patent Center, if there are multiple parts documents for one case, when downloaded as a single PDF, it does not download the docs in the correct order.  - Patent Center does not always show all notices issued/mailed when viewing outgoing correspondence.
The general instability of these systems makes me wary of scrapping EFS and private PAIR. I'm liking PatentCenter more as I use it but it hasn't completely replaced the legacy systems in my day-to-day work.
It needs to work as reliably and consistently as Private PAIR/EFS Web for at least 6 months before the legacy systems are taken offline. Case in point: When I file a new application, I generally cannot see it in Patent Center for several hours, which sometimes pushes it to the next day, even if I filed it in Patent Center. Yet I can see it in Private PAIR, usually within 15 minutes. Given the USPTO's tendency to mangle documents (e.g., Patent Center does not necessarily pop a warning when it thinks a document's pages are not the right size or orientation; it just squashes them), not being able to see the newly-filed application for many hours in Patent Center is unacceptable.  Patent Center is a horrible, poorly-executed system. The ONLY things it does better than EFS-Web are (1) scrape data from an ADS so I don't have to type it in, and (2) allow me to upload more than one document at a time. (2) comes with a caveat, though, because it is absolutely awful for IDSs when I have to upload more than a handful of references (e.g., foreign patents, NPL, etc.). It grinds almost to a halt and has a stupid behavior of snapping to the bottom of the page as it is processing each document. So stupidly designed.
Patent Center is down/misbehaving so often it would be laughable if clients' rights were not at stake.
It needs to be stable. The operation of Patent Center to me is evidence that the USPTO is not engaging with its customers as it is not clear what the USPTO is trying to accomplish with this system. Further, it is evidence that the USPTO needs to contract to have its products developed as this product is no where near what would be expected from a state of the art patent office.
It's pretty good now really
Documents mailed which do not appear in the daily eOA email communication and/or do not appear in the daily correspondence download. What's in Private PAIR vs Patent Center are often different.
See response to Q3, above. Also see < <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> >.
See <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> .

<p>Patent Center does not allow you to automatically populate ADS entries for a new application with the priority/parent information.</p>
<p>Patent Center does not display atty docket number in several tables, and does not allow sorting by column in several tables. This makes it very hard to filter and find applications with status updates for particular customer numbers.</p>
<p>See input from Oppedahl Patent Center listserve</p>
<p>There are many features/capabilities on Private PAIR/EFS Web not yet available on Patent Center. Carl Oppedahl and his team have assembled a list of trouble ticket items which have not yet been addressed, or successfully addressed by the USPTO. We are nowhere near being able to make a full transition, and because of its troublesome operation, I seldom use PatentCenter.</p>
<p>Nothing. PAIR and EFS web work generally well. The shift to patent center is not needed and will eliminate or reduce functionality for most of us.</p>
<p>Docs not showing up in IFW, assignments tab not working, assignments not viewable.</p>
<p>All the unfixed problems listed at <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a></p>
<p>Cannot use e-Issue fee with prior payment, cannot submit certain petitions, periodically cannot log in at all. Cannot select assignee category about 50% of the time in issue fee payment.</p>
<p>Visibility/pop-up windows are affected/resized when using in a reduced-size browser window; search criteria and user preferences (columns, etc.) are reset with a new login session; sometimes data is inexplicably missing when viewing matters in Workbench; loading errors/login loops; frequent and unpredictable platform crashes; filing documents and paying fees generate different receipts (would be better to have filed docs and payment confirmation in a single receipt, as in EFS-Web); fees that are auto-populated within Patent Center don't always match the current USPTO fee schedule (for example, the issue fee for plant patent was different as of last week)</p>
<p>Need means to make payment in amount user specifies. E.g., if a fee \$80 is due but new price \$64 is the only option, user must submit via fax of credit card form ( which is unreliable.)</p>
<p>Efficient way to access outgoing correspondence for a specific day; currently I have to adjust multiple filters to gain access. Save the columns viewed in the workbench; currently I have to adjust them each time I log in. Auto-update the Viewed By column in the workbench. When filing a new submission, the document description drop down menus do not scale correctly and I need to maximize my browser. Assignment data does not show in PatentCenter even though an assignment is recorded. Outgoing correspondence appears in PatentCenter but not on outgoing correspondence notifications.</p>
<p>There are too many to list here. See <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a></p>
<p>Provide a stable system with solid backup systems to guarantee 24/7 availability and optional use of the docx systems which have been proposed.</p>
<p>Generally lacks intuitiveness and is cumbersome to navigate</p>
<p>Download's don't work</p>

PatentCenter is unfairly being forced on me as a pro se small inventor. I am a small inventor with 10 patents and 3 pending. I have to file and prosecute my own patents pro se because I need to save on the very expensive costs of using a patent agent or attorney. I taught myself how to use Private PAIR/EFS web a decade ago, and it took time to learn how to use it without making a mistake.

In sum, the Office has not provided ample time for me to learn PatentCenter. Filing and prosecuting patents is not my career (running my side business (where my patents live, while managing two day jobs), and taking care of my family is), and forcing me away from Private PAIR/EFS Web -- a system I know how to use -- is unfair, especially if it is shut down.

Moreover, my patent applications have time-pressed deadlines, and forcing me to use and learn PatentCenter when I have not yet had the time to learn it in full so that I can avoid potential filing mistakes that could cause major problems down the road -- this is like pulling the rug out from under me. The USPTO needs to keep Private PAIR/EFS web operational much longer to give ample time to stakeholders like me that still need to learn how to use it and get comfortable with it. I'm not necessarily opposed to PatentCenter, but I do need much more time using Private PAIR/EFS Web because I haven't been able to carve out enough time to learn PatentCenter yet. I will need at least 12 months because I do have current critical filings that I cannot "experiment" with, and I spin a lot of plates just to keep things afloat.

See the list of PatentCenter trouble tickets at this link: <https://patentcenter-tickets.oppedahl.com/>

Unable to File Assignments from Patent Center. Outgoing Correspondence showing up as none when there is Correspondence in PAIR.

Not recognizing filing type on ADS causing me to upload a filled in ADS. Not being able to file assignment.

Some days we routinely receive error messages that are nonsensical

Let's wait until PatentCenter can operate for a single month without a technical issue. That has yet to happen. Also, fixing at least the most serious of trouble tickets identified to USPTO staff and listed on <https://patentcenter-tickets.oppedahl.com/>

PCT fees have been incorrect for months and still has not been fixed.

I often see inconsistencies with data on the main application data page versus the information on the filed ADS and filing receipt (e.g. large entity size on bibliographic page when small entity status claimed on ADS and reflected on filing receipt). Inventors will also be missing from the application data page. Accessing documents can also be an issue as I'll be able to click on the preview of different documents with no problem, but then it will stop generating the preview while in the same application. It also then won't let me download the PDF copy of the document(s).

Corrected ADS form is glitchy - loses input info; Cannot email payment receipt; Sorting of cases does not stick & needs to be reapplied when page reloads; Correspondence received same day does not always appear in list; Scaling browser window cuts off information when making submissions; Cannot file follow-on papers in Hague designs; Web-based issue fee form is glitchy; Sorting of displayed cases does not work correctly; Frequent and early timeouts

Patent Center often goes back to home screen after filing a new application rather than going to the payment page.

USPTO needs to have an API that allows delegated professionals and automated systems to interact with PTO dataset (e.g. scraping private file histories for docketing), and to allow submissions without requiring a practitioner to personally manually populate fields on a form without any ability to delegate or automate these clerical tasks. This reduces productivity and introduces errors. At a minimum, EFS needs to be preserved as a backup.

It's not recognizing some pdf documents. I am unable to file IDSs using Patent Center, and have to file with EFS Web.

Increased platform stability is needed to improve customer confidence.
PDF support without any additional surcharges.
too many issues to enumerate --- would prefer for private PAIR/EFS web to remain
Filing document categories available in EFS-Web, are not available in Patent Center. Can't file 371 applications in Patent Center because the saved submissions disappear. Preview of uploaded documents seems fixed, but we can't say for sure since the USPTO has not reported it has been fixed. Patent Center pre-March 17, 2023, was in good shape, the update in March created significantly more issues.
The necessary filing document categories that are currently available in EFS-Web are not available in Patent Center.
We cannot file 371s yet in Patent Center because the saved submission feature disappear and does not allow for a second review prior to submission/filing.
The accuracy of the "preview" feature for uploaded documents is inconsistent, which creates concern with filings and increases time it takes to double check and verify uploaded documents are accurate prior to submission.
Stability. Too many instances of login problems, documents not loading, and data missing. In addition, Patent Center needs to have improved functionality for managing customer numbers. Unrealistic to have attorneys at large firms approving every addition and subtraction of personnel from customer numbers or changes to addresses.
371 applications cannot be done as a saved submission for review and this is huge.
Absolutely terrible user interface. Not at all intuitive to use. Why not keep everything called what it was called in PAIR/EFS web?
-Often the "Documents and Transactions" tab is empty - The option for "Letter Specifying the Conditions for Filing under 37 CFR 1.97" is not available for design or reissue applications.
It has often been incredibly difficult just to login or to stay logged in. Private PAIR / EFS Web is far more stable and reliable.
There are many longstanding issues with Patent Center that many practitioners/users have identified and informed the USPTO. I list of many of those issues is maintained here ( <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> ) along with the status of those issues (outstanding, resolved, etc.)
cleaning up the Acknowledgement Receipts so that everything is concise and prints on one page.
No use of DOCX as my documents get "revised" by the process - large chemical structures and math formulas are changed. PDF is needed to be the control document. Photos and colors are distorted in figures with fine detail needed. I must know that what my inventors have approved is what is the official record if later "errors" need to be corrected to what was filed. Very difficult to search documents - e.g., inventors names or assignee now with the present search system so use other commercial methods and have given up on the USPTO system to search. Prior system worked very well. I have been doing these methods since 1974 so I am very disturbed that these improvements make it WORSE to use.
There is an extensive list of tickets that need to be addressed before this is a viable alternative.
The items in question 3 is a sufficient starting place
WebADS often fails to proceed past the signature step, with errors about not signing. Resorting to EFS is the only course of action when this occurs. DOCX ability to recognize application sections appears to change and be inconsistent. Often does not work.



<p>For certain forms, like, for example, Transmittal for issue fee payment, Private PAIR/EFS Web is much more useful for copying data to fill them in on the Transmittal. Also, the E-acknowledgement receipt downloaded from PatentCenter doesn't include the fee amount paid, whereas Private PAIR/EFS does, which let us avoid saving the additional E-payment document as we have to do in PatentCenter.</p>
<p>Currently unable to submit an e-Petition in Patent Center (Example: PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)). Recently filed applicable documents via PatentCenter to then have to go to EFS Web to submit the E-Petition.</p>
<p>Fix the issue with assignments not showing properly in PC, make the link to file an assignment directly after a filing work, Make is so that the link to the published, granted applications works properly everytime you try to use it. Make sure that every document you could see in Private PAIR is viewable in PC.</p>
<p>I believe the issues with the e-Petition process are the largest issue I have had so far, as the process of having the attorney sign makes it take much longer to complete. It has made it more preferable to still use EFS for those types of filings.</p> <p>There are also issues with PCT filings where the fees are not updated when using Patent Center, or Patent Center does not recognize that the PCT is being filed with a PCT-Easy ZIP file so the correct fees do not display. I have to continue using EFS for this.</p> <p>In the event that there are issues with Patent Center, EFS has been a great back up to use. Losing this so early when Patent Center is not fully functional as the USPTO claims would cause a lot of problems.</p>
<p>In the assignments tab, if an assignor assigns to more than one entity, only the first entity appears in the recordation tab.</p>
<p>Firstly, it would be helpful to have more time to transition. Secondly, the interface should ideally be user friendly to facilitate a transition from PAIR which has been the mainstay for many practitioners for a very long time.</p>
<p>Speed is a major issue</p>
<p>See itemization of issues on Carl Oppedahl's PatentCenter listserv and blog postings.</p>
<p>More stability of a system and no down time of the site.</p>
<p>When filing US or PCT applications online, cannot pay via credit card. This is cumbersome and time consuming for processing centers. We have to file and get the Application Serial Number and then log in afterwards (waiting until the application is ready), before we can go in and pay the fees to complete our processing steps.</p>
<p>overall stability and duplication (backup) of servers needed</p>
<p>"Resolved" issues are not actually resolved. (for example uploaded documents during application filing, don't show up completely during filing and document order changes even after being reorganized)</p>
<p>I still feel there are too many kinks that need to be worked out before EFS Web can be completely abandoned - though I primarily file with Patent Center. It has gotten substantially better over the last few months, but it is nice to have EFS Web as a back up.</p>
<p>Consistent distribution of outgoing mail, consistent application data</p>
<p>Patent Center seems to have issues with the filing of a CRF/txt sequence listing. We've had to file these in EFS. Patent Center does fine if the listing is XML, but not all are XML yet (depending on the filing date of the application (US or PCT), some are still required to be in txt format).</p>
<p>Patent Center does not have all of the features of EFS Web regardless of what the USPTO says.</p>
<p>Filtering uploaded filings by attorney/filer within a customer number needs to be an option, also when filing an application and displaying the serial number before submission is completed and payment is bound to result in accidental missed filing</p>

<p>Major concerns or issues is the ability to file documents on PC verses EFS. Multiple times I have favored EFS because its easier to file, locate applications, and the overall process/layout.</p> <p>The Authentication issues have become more cumbersome. Even if I select the 24 hours log-in I have to constantly re-verify my access time and authenticate. This can cause a delay in work when the system is really bogged down.</p> <p>Several times I have had exceeding search limit issues when I just log on or have only viewed a couple files. This typically causes me to completely log out to reset the system in a sense.</p>
<p>Main concern is lack of stability; my staff regularly has issues logging in, filing documents and searching for matters. Lack of ability for staff to file ADS changes, eTerminal Disclaimers and ePetitions should be enough not to close down EFS. Entire DOCX project seems to be in disarray; good step to make the auxiliary PDF option still available, that should be permanent if the PTO is going to force the use of DOCX considering there are proven rendering issues.</p>
<p>In EFS a Electronic Terminal Disclaimer can be filed, cannot in Patent Center. In EFS attorneys can file a Corrected ADS to change the application title, they cannot in Patent Center. PCT applications can be filed through EFS, they cannot be filed through Patent Center.</p>
<p>See <a href="https://patentcenter-tickets.oppedahl.com">https://patentcenter-tickets.oppedahl.com</a> which includes details for over 140 issues in PatentCenter the vast majority of which work differently in Private PAIR/EFS Web</p>
<p>Ability to have authorized assistants to process and submit some e-filing petitions; stability</p>
<p>Fees are not calculated correctly for PCT filings.</p>
<p>Electronic Terminal Disclaimer; Publication Review and Update Request; Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in Expired Patent; Maintenance Fee Payment</p>
<p>Issues with application filings (not accessing all docs and/or information accurately)</p>
<p>It would be good to duplicate all of the capabilities of private pair/efs web. In searching, I notice that the ability to search on docket numbers has been lost.</p>
<p>I find Patent Center very cumbersome compared to EFS. It appears to call for more clicking to get through screens and when fees are needed the process isn't very clear. In EFS it is just a simple upload the document, break it out and submit. Also in Patent Center - I also feel like I have to be in full screen to get all the features of the database. EFS you can move the screen over and shrink the view and still access the entire database.</p>
<p>My biggest problem right now is that I cannot download file histories from Patent Center--it just sits and spins and doesn't download anything. This is a real problem for me that is keeping me from getting answers to clients. I didn't encounter these problems with Private/Public PAIR.</p>
<p>continuity data, fee payment history functionality needs to be added/fixed, and the unavailability at certain times needs to be addressed.</p>
<p>Unable to rename documents within patent center once uploaded; unable to upload documents at all; system not working at all.</p>
<p>Most concerning is the fee page. For example, today I had to file a Notice of Appeal in a case where it was NOT under final but twice rejected and there was no option for selecting the fee for filing the Notice of Appeal. Cannot file PCTs in Patent Center as you cannot rely on the accuracy of the fees.</p>
<p>Online e-petitions (QPIDS) needs to be available in Patent Center</p>

<p>Faster processing times and less crashing on the site. Myself and my staff have experienced numerous crashes during filing as well as issues attempting to pay fees in the payment portal. In a few circumstances, we have been overcharged on fees or the payment portal takes 15-20 minutes to accept payment. We have experienced times where the payment portal was not working in Patent Center but was available in EFS Web.</p>
<p>Also, we have experienced issues with initial processing when filing in Patent Center where the application number is not entered into the system quick enough and if we are attempting to file an Assignment at the same time of initial filing (which we do very often), we are unable to file the Assignment via EPAS because the application number is delayed to be entered into the system and we must attempt to file the next business day which is not convenient for us given the amount of volume in applications we file daily.</p>
<p>An interface that isn't continually changed to address complaints. While I really appreciate the USPTO addressing these complaints, until the interface is more stable and user friendly, it seems like a big mistake to make it the sole interface.</p>
<p>I cannot file ePetitions in Patent Center, and filling out and uploading forms is so much more cumbersome than being able to input the information directly into the system like I can with EFS-Web.</p>
<p>Currently, Design Applications do not have the correct "Letter specifying the conditions for filing under 37 CFR 1.97" drop down document description for IDS filings that EFS/Private Pair has. There has also been issues where Patent Center is not working while EFS/Private Pair is.</p>
<p>Improve accuracy of feedback re docx documents</p>
<p>Numerous known and documented issues. See <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a> EBC frequently recommends using EFS-Web as workaround for problems with Patent Center. If EBC is doing this, Patent Center is not ready.</p>
<p>Change Entity Status</p>
<p>inadequate document description options</p>
<p>it generally does not accept documents no matter what type of filing we are doing. We almost always have to go back and use EFS-Web. I have no idea what we will do until all the problems are fixed.</p>
<p>When filing an Information Disclosure Statement, when uploading the references for filing, they do not appear in numerical order. This is not good when I need to ensure that all of the references are uploaded. I don't like not being able to use the tab key to move into the fields as I could with the EFS system. We have to use only the mouse. The mouse aggravates my carpal tunnel issues.</p>
<p>Make it accessible and reliable to download file histories. Lots of times it is difficult to get into the matter to download documents. Sometimes it's difficult to even get into Patent Center to review an application.</p>
<p>Patent Center filewrappers PDF bookmarks are cumbersome / hard to read because they include customer number, other information, and a shortname for the doc type. Bookmarks from a PAIR (private or public) filewrapper were easy to read with filing date of the doc and full document description. Patent Center has issues when uploading multiple documents at a time even though the drag and drop feature is a great addition, it does not work as it should if you drop too many attachments at a time.</p>
<p>Searching for patents used to be much easier. Patent center is very difficult to search patent subject matter.</p>
<p>More intuitive and user friendly, but overall, more stability.</p>
<p>Proper document descriptions for Letter Specifying the Conditions for Filing - ability to file QPIDS - better sorting for references for IDS</p>
<p>Needs more time to get everything sorted out and working properly</p>

<p>1) Would like to see short-key (ie, 1 letter) input to bring up list in drop-down boxes instead of having to scroll thru list.</p> <p>2) Unless I'm not aware of it being available, need PAIR Administration functions (ie., Update Customer #, etc).</p>
<p>We need a Patent Center version of this page: <a href="https://portal.uspto.gov/EmployeeSearch/">https://portal.uspto.gov/EmployeeSearch/</a></p>
<p>This is currently the only source of information about USPTO examiners.</p>
<p>Acknowledge the reasonable issues practitioners have with DOCX, and make sure they are resolved before requiring the format without a pdf backup.</p>
<p>Stability is a real issue. I often can only download 2-3 documents from Patentcenter, after which additional downloads fail to occur without providing any error message. I have tried this with multiple browsers and experience the same issues. The only solution appears to be starting another Patentcenter session.</p>
<p>Filing sequence listing in ST.26 format is currently more reliable via EFS than Patent Center interface has too much whitespace and nested menus - not always clear</p>
<p>PCT fees are incorrect making it necessary to file with EFS web</p>
<p>lag time to retrieve copies of papers filed; several of my clients demand "PAIR" copies; waste of time when I have to keep going back to check for the file wrapper copy to send to the client // Also, in Patent Center, I often get rejected to upload a fillable ADS; it won't take electronic copies, even though it's the desired modality. Don't get rid of EFS/PAIR; we need a backup when PatentCenter is "impossible" to use.</p>
<p>Since there are no published API capabilities to access Application biblio, IFW, outgoing correspondence and the documents themselves, web automation is the only way to handle the number of sponsorships, customer #'s and documents we have to process on a daily basis. Private PAIR is generally a lot faster and more efficient (less web requests) to handle the same amount of processing. If everything was moved to Patent Center, I would be very concerned that the web site could handle the load.</p>
<p>1. The "predictive" labeling of documents being uploaded for filing is incorrect fairly often, and takes several clicks to fix each label. Particularly time-consuming when filing large IDSs. Despite prefacing reference file names with FOR or NPL, they often upload having been incorrectly labeled as "Abstract", for example. 2. Have experienced occasions in past 6 months where Patent Center was not allowing fees to be paid (or calculated even) but cancelling submission and moving to efs-web platform allowed fees to be calculated and paid with no problem.</p>
<p>E85 web form should allow upload of after allowance communication and coding it as such. Currently there are limitations on what can be uploaded. Changing entity to pay correct fees is also broken. Big mess with uploading docx. Fidelity of content is based on a blackbox as PTO converts the native docx to their own version of docx. So filer is agreeing to what is being uploaded is authentically being presented by the PTO, which is untrue. Docx is not a unified standard. Different OSs and different vers of doc processing software render docx differently unlike a PDF.</p>
<p>1. Download XML for a selected customer number. EFS-Web provides all the data, including inventors. On the PC Workbench screen, only the fields listed on the screen are in the XML. We have an application that scrubs the PAIRStatus field looking for particular entries.</p> <p>2. It appears that sponsored users cannot access e-Petitions and e-Terminal Disclaims in Patent Center. They can in EFS-Web.</p> <p>3. The recent changes to authentication has downside effects. It no longer shows what the default two-factor authentication method is on the screen - it used to be a series of radio buttons with the default method prechecked. Now the user actually has to think before making a selection.</p>

It's far too easy to delete uploaded packages.
It is INCREDIBLY slow. Much slower than EFS web. I can file so much quicker. The overall look of Patent Center is much worse and not as clear as EFS web. It's awful. Still lots of bugs. If an attorney goes in to review the submission, sometimes the fee boxes that were checked disappear.
I keep having problems with the system not uploading the ADS information.
I do not like PatentCenter, it is not user-friendly and is very time-consuming. Not sure why EFS is being phased out.
A couple of colleagues and I have been 'kicked out' from Patent Center after submitting an application but right BEFORE we proceeded to pay the fees. Sometime we were able to go back to Patent Center and pay the fees. Once, with my application, the application did get filed with Patent Center (I know it since I was able to print the Electronic Acknowledgement Receipt) but the filed Application did not show up in Patent Center for a few days (and I spent more than half an hour over the phone with an agent) and I/my firm obviously had to pay the late fee. USPTO should not charge us for being late with payment under this kind of circumstances.
it needs to work consistently- whether it's efilng, paying fees, trying to search for an application number, nothing works consistently.
E-Petition portal would need to be fully functional Financial Manager would need to become more stable
Not being able to search full families using the firm's docket numbers. Patent Center searching is cumbersome and takes longer.
Sometimes Patent Center is acting up and I immediately go to EFS Web for filings. I personally feel like EFS Web is more stable than Patent Center. When Patent Center works it's great. When it doesn't, it's a nightmare.
PCT filing fees were incorrect for a while. other similar glitches.
Carl Oppedahl maintains a "trouble ticket" list for which known deficiencies with PatentCenter have been reported by a wide variety of patent practitioners, which of those tickets have been addressed, and which of those tickets have been remedied. Please refer to that list.
Disappearing sponsor information and fee calculation on submission page after the upload has been saved.
There is a warning after uploading the specification stating comments are located in the document, when there are not any. It is not calculating the correct fees for PCT applications filed with a zip file, nor does it let you change that fee to the correct one.
Our firm practice is to have staff create e-Terminal Disclaimers in EFS Web, save them, and then have the practitioners review and sign and save again. Then the staff member files the e-TD and pays the fee. We cannot currently perform this action in Patent Center.
I always get error messages after uploading the pdf of an application after uploading the docx word version of the application. We want to be able to upload the pdf version of the application as well.
More e-Petitions that can be submitted by patent support staff under a practitioner's sponsorship verses the practitioners themselves (including the Corrected web ADS and web based issue fee)
There needs to be an easier way to use e-Petitions (namely, e-Issue Fees). Additionally, trying to obtain file histories and documents from the image file wrapper is more complicated and cumbersome than in Private PAIR.
When entering customer number, I get a message that says our firm's customer is not associated with my user profile.
Due to lack of advance notification of changes, most updates end up at least briefly interfering with our software systems that connect to Patent Center.
No data available on file wrapper; preview mode not available after certain views; inventors name on data page not listed as private pair

Filing eTerminal Disclaimers is not available to submit via Patent Center so we are still filing eTD's in EFS-Web. Data access is sometimes an issue. Also the Patent Center system seems to time out too soon (not enough time) and so I have to reopen Patent Center in another tab or log back in and authenticate again even if I selected to have access for 24 hours when I initially login.
I've not yet been able to figure out how to update a maintenance fee address without going through Private PAIR.
Issues with the sorting of uploaded references
I have an extremely hard time and it seems to take longer trying to process documents through .docx. I have had no problems filing with EFS-Web and using Private Pair
A big issue is not being able to file an eTerminal Disclaimer in Patent Center.
Retrieving Assignments. Assignments are not accessible through Patent Center.
See <a href="https://patentcenter-tickets.oppedahl.com/">https://patentcenter-tickets.oppedahl.com/</a>
Slow a lot of the times
Ability for e-terminal disclaimers
There is a long lag when uploading documents and a lag when attempting to view applications
In short, the numerable areas in which Patent Center works less well as (or not at all) Private PAIR/EFS Web must be addressed and fixed. Until then, Patent Center is a gigantic and draconian step backward in terms of accuracy, reliability and its negative impact on USPTO stakeholders.
A seamless, quick download of documents without unnecessary delays or crashing.
The practitioners need to be in alpha order. They used to be but they are not and this is too cumbersome when you are sponsored by 30 + agents and attorneys
Managing customer numbers should not require an email to go out for signature. If you are signed in as an eligible administrator, you should be able to submit changes in real time as you can in Private PAIR. Also, Patent Center doesn't include the patent no information in advance of the issue date, but Private PAIR does.
Customer number edits can only be executed in Patent Center with a registered practitioner's signature. In Private PAIR, sponsored staff can make edits to Customer Numbers through attorney sponsorships.
The rate-limiting is extremely aggressive and not necessary at all. This was an issue in Private PAIR, too.
Currently, Patent Center does not calculate the fees for PCT filings correctly when filing with an EASY-ZIP file. Also, there may not be a way to conduct certain filings, like QPIDS filings, with Patent Center.
<ul style="list-style-type: none"> <li>- In a large IP law firm like ours, the assistants prepare the filings and then the patent practitioners sign e-Petitions after reviewing the online form that is prepared. Once signed, the filing is sent to QC for a second review before the attorney can submit/file the ePetition. With assistants not being able to prepare the forms first, this greatly hinders how our firm practices.</li> <li>- We are unable to upload *.txt files when filing Sequence Listings via Patent Center. That needs to be fixed ASAP and well before the sunset date of EFS, if that indeed does happen.</li> <li>- Additionally, there have many days (commonly on Fridays), when Patent Center has connectivity or other issues that force us to have to use EFS just to get our filings timely filed.</li> <li>- Sometimes we do not receive Payment Receipts after a filing is submitted in Patent Center.</li> <li>- A back-up system such as EFS seems like a smart and safe practice all-around.</li> </ul>
We can't search for filings on Patent Center.
When there is an error on an uploaded ADS when filing a national phase application, there currently is no way to simply re-attach the ADS. The entire filing must be cancelled and entirely re-uploaded. This is unacceptable. Patent Center should be fixed to allow for changes of any documents, especially an ADS of a national phase application.

<p>I would prefer to have only 1 Acknowledgement receipt after filing, like in EFS-Web, and not have payment be a completely separate step that is easy to forget to do.</p> <p>Also, the preview window sometimes doesn't display the documents correctly. They look fine if I download them before filing, but not in the preview.</p>
<p>Patent center doesn't run as fast as EFS in my opinion. Separating out large documents takes some time. Once you submit, you print the Acknowledgement first and then pay fees and then print the fees. EFS is more efficient. You submit all at once and print out one receipt.</p>
<p>In PatentCenter, there is a form/document for which you MUST pay the fee (Terminal Disclaimer, maybe?), but in EFS Web you can pass on paying. (Again, maybe TD, but maybe some other e-petition). We had an issue where, using PatentCenter, we got the form uploaded and paid, but PatentCenter crashed and, when checking, the fee was accepted by the form was not uploaded. Tried again, but the system REQUIRED payment again. We were able to go to EFS Web and upload just the TD and not have to pay.</p>
<p>Access to all portals/data through patent center</p>
<p>Documents are frequently mislabeled and miscategorized.</p>
<p>Better, more intuitive interface; user friendliness; not being so cluttered</p>
<p>When filing references in an IDS, patent center mixes up the references in a different order so it is difficult to figure out which references didn't upload if there were any errors. The errors usually just go away before we see which reference didn't go. If I were to upload the 100 references allowed at once, I would have to search through up to 99 to figure out which one didn't upload. Also, if patent center goes down, it's nice to have a back-up so that we don't have to paper file.</p>
<p>slow and buggy. Very difficult to download documents - the system sometimes gets stuck</p>
<p>They introduced a character limit on Applicant name and it truncated Applicant name when correcting ADS for other issue which caused a cascade of problems at great expense to me (can't bill for that). Needed EFS to file corrected ADS that didn't do that.</p>
<p>Ability to submit ELES (functionality appears to be currently unavailable on PatentCenter).</p>
<p>Interface is difficult to use and understand; have ended up missing a deadline and paying a large petition fee because I was unable to find a way to remove documents that were flagged as unacceptable and replace them with new versions. Ended up having to file through EFS-Web but this was too late to meet deadline.</p> <p>Font is too small and is difficult to read (I'm 49 and don't use glasses and have no problems with size of font on other interfaces).</p>
<p>PatentCenter needs to have the same functionality offered by Private PAIR and EFS Web. The USPTO claims that it does but we continue to find instances where a feature that exists in Private PAIR of EFS Web does not exist in PatentCenter. Carl Oppedahl has documented this extensively.</p>
<p>In addition to 3 above, sometimes Patent Center: i) will not load the case or will load partial information; ii) will list no documents on public or private cases; iii) will not load a document when you click on the document; iv) will not hyperlink continuity cases or hyperlink will not load the case; and v) will crash unexpectedly. In my opinion, Patent Center is not stable enough to replace EFS and private pair.</p>
<p>Currently, the e-Loss of Entity Status functionality (which is now critical, since the Office has started disregarding paper requests for entity status change) is ONLY available via Private PAIR - Patent Center lacks the functionality.</p>
<p>Change of entity status in Patent Center prior to paying maintenance fees.</p>
<p>the whole site is cumbersome, figuring out which dropdown to choose - just put everything in one place instead of cat and mouse and guessing. Cannot stand how payments are restricted to just those the PTO wants to show you; give me all and let me decide what I'm paying for.</p>

Patent Center does not recognize me under any of our firm's Customer Numbers. I get a red notice and cannot proceed any further with the filing of a new application.
signature from registered practitioner for customer numbers changes should not be required when logged into an authorized account
Issues with categorization of certain documents when single document holds multiple parts
e-Petitions should be able to be staged by any authorized users, but only submitted by the registration holder.
specification in word document always have issues
Patent Center trying to charge \$11,560 for a provisional application because file size was over a limit while EFS correctly only charged the provisional application filing fee
Private PAIR and EFS Web were not perfect. Neither is PatentCenter. The USPTO needs a modern interface for practitioners for all of its services that is intuitive to use. (Not everyone has the benefit of a paralegal, docketing clerk, or admin with years of experience navigating the arcane online services of PAIR and EFS Web.) No transition will be easy or perfect. PatentCenter appears to me, based on my usage, to be far enough along to allow for phasing out of PAIR and EFS Web. But I probably have not stress tested enough to reveal substantial functional problems or deficiencies. However, my views are conditioned on the USPTO having an automatic failover to a backup service should PatentCenter go down (other than Express Mail and fax). Furthermore, please communicate that there must be an update to the regs to accommodate any situation in which an applicant loses rights or benefits due to IT system failures and errors. If the UPSTO wants us to rely on their IT systems — it clearly does — there must be relief for applicants who lose rights (or must pay substantially additional sums) due IT system failures or errors.
<p>1. Patent Center, while much more intuitive and easier to read than Private PAIR/EFS Web, still exhibits regular issues. The issues include but aren't limited to: not loading pages properly, showing error messages for somewhat large DOCX files (not even that large!) and not allowing the files to be uploaded, not showing the "split document" option for DOCX uploads, timed logout warnings appearing repeatedly even though the user is actively using Patent Center, needing to repeatedly clear cache and cookies throughout the day just to access saved submissions in the Workbench, and more.</p> <p>2. Patent Center still does not allow users sponsored by registered practitioners to generate and file electronic Terminal Disclaimers and electronic Petitions. This is just unrealistic, as most attorneys/agents never do their own filings and rely exclusively on sponsored users to file documents and pay fees on their behalf.</p>
USFS needs to be able to upload e-Terminal Disclaimers
Not as straight forward as PAIR, EFS. Hard to locate things etc.
Allowing sponsors access to create payment of Issue Fees electronically
PatentCenter is not always working. We waited for weeks for the practice docx program and it never did work so we can present to a client.
I tried today to file an application in PatentCenter and it would not let me pick a practitioner, so I had to use EFS Web to file my application.
The stability is an issues and resolutions to not happen quickly.
filing e-terminal disclaimers which now can only be filed on EFS-Web
Docx Issues and accuracy of information detailed, i.e., abstract of title of assignment detailing inaccurate information.
I think this is well documenting in the tickets we've submitted. There are so many problems, there is not space here to list them all. Thanks for asking these questions!



I'm most concerned about patent Centers inability to file e-Terminal Disclaimers and not accepting Sequence listing in the "old-style" format.
The small entity fee being available when filing a PCT application via the USPTO, and ePetitions. Those are the two items I still use EFS for.
It seems fine, sometimes it takes a little longer to select drop downs, I have to wait for them to load.
The ability for e-petitions to be filed via Patent Center. I am still using EFS for those.
Paying issue fees electronically. Documents downloaded are named by code name and not the document name. Example the payment receipt is N47Py (something like that) instead of Payment Receipt etc.
My attorneys don't like that I can no longer do the eTerminal disclaimer.
completely not ready for full/only PC as there are too many problems and issues ... must continue with Pair/EFS
The filing fees are still not straightened out in Patent Center when trying to pay fees under national phase apps. I have to use EFS to file e Terminal Disclaimers.
I find Private PAIR more user friendly!
As a sponsor user, I would like to see some of the features we used to have back. Such as e-Terminal Disclaimers, corrected ADS'. We are authorized to prepare and file these documents. Sometimes an attorney will not use the online system and instead have us prepare a PDF with underlining and strikethrough which is more open to errors and more difficult to staff. Maybe a new process could come up such as when updating entity status.
When entering a PCT number, the letters had to be in caps. This should not be case sensitive. If something is case sensitive, it should indicate that it is.
being logged out multiple times a day
We cannot file eTerminal Disclaimers. This has been the main reason I use EFS, when I do. Only other time is when I cant get a document to load.
add filter for document types
Hard to find your filing, others can delete your filing, filing systems (efs and patent center) in general go down, we try to use one when the other isn't working
Updating the Bookmark labelling for documents downloaded to match the field descriptions entered when filing or view the file wrapper
USPTO needs to provide timely and accurate information regarding system/feature outages and their expected duration.
We shouldn't be able to see other attorneys uploads - people can accidently delete my attorneys upload. On EFS i only see uploads pertaining to my attorney.
Patent Center doesn't seem to have the same functionality as EFS. For example, I'm not sure how to file an e-terminal disclaimer in Patent Center, but filing an e-terminal disclaimer in EFS is very nice and easy. Yesterday, my paralegal was having a difficult time having Patent Center accept information from an ADS for a new application filing - and she is the one who likes Patent Center. I prefer EFS because it works. Patent Center has some nice features, when it works. But I would have trepidation to rely on only Patent Center, until Patent Center has a better track record for working properly and is able to perform at least the same functions as EFS.
Fee differences for PCT filing.
Every attempt by the USPTO to improve access to private and public data has made access more difficult and more time consuming; not easier.
I am not able to file a PCT in Patent Center. I have talked with EBC three time 4/18/23 and June 2, 2023, I don't have the date of the first time, but I do have the ticket number. The last time I talked with them on June 2, 2023 I had to send them a screen shot and they are to get back to me. Todate, I have not heard form them.

ePetitions to withdraw as attorney of record by sponsored staff is crucial for transfers of large patent portfolios to new counsel or the client. Thank you for your consideration.
PatentCenter needs to be able to properly validate drawings. The USPTO needs to make sure that all of its Electronic Business Center agents feel well-versed in PatentCenter.
ePetitions to "Request for withdrawal as attorney or agent of record" needs to be made available to sponsored Practitioner Support not just Practitioner. Being able to file an ePetition is crucial for transfer of large patent portfolios to new counsel or the client.
Difficulty obtaining patent pdf on issue date of patent. I miss Public PAIR and the search functionality with that system that I cannot figure out with the current searching platform.
Needs to be more reliable and be able to file ePetitions.
ePetitions to withdraw as attorney of record by sponsored staff is
DOCX training module still doesn't work; can't file e-petitions in PC; when you've paid previously for extensions of time, EFS-Web will easily calculate the difference to pay, PC does not do this; PC removes bibliographic information from the form-fillable IDS/SB08 form - my workaround is just printing to PDF which doesn't allow the PTO to easily retrieve US patents and publications; PC sometimes shows incorrect fees, different in the filing total than the amounts listed in the current fee schedule; when I file DOCX applications, I know that I have removed bookmarks and metadata, but PC tells me every time that it found bookmarks and metadata and removed them.
I find it's very confusing and not overly user friendly. I've also run into a lot of dead links when looking for things.
Reliability and trustworthiness
The Web 85b feature (i.e., issue-fee payment feature) on Patent Center is currently down (as of 6/9/23). I called EBC and was told that it was a known problem and the developers had been working on it for "a week or two." I was told to use EFS instead. And EFS worked fine: I was able to pay the issue fee on EFS. So the PTO is threatening to shut EFS down at the same time its own service representatives are telling users to use EFS.
Inability to search application numbers back to back. Uploaded documents showing black or blank pages when viewing prior to submission. Multiple Assignees not showing in Assignments tab. Not able to view Assignment documents by clicking on pdf icon in Assignments tab. DOCX application txt file not showing in IFW after filing. Issues properly indexing xml sequence listing for ST.26 applications.
When downloading an xml file of a docket associated with a customer number patent center provides less data fields than patent center.
PatentCenter should be able to operate consistently, with minimal issues, before Private PAIR & EFS-Web are retired.
It isn't as organized as Private Pair. Not to mention sometimes one will be down while the other is working. This should be fixed before we get rid of one of the viable options.

When filing 371 Nationals, randomly, the system requires PCT application data and filing to be associated with the file at the beginning of the process. Once you are then finished uploading all filing documents and try to submit documents, PCT data is removed, and the process needs to be restarted again from the beginning.

Random times when the attorney filing must be populated in the system first, docs are uploaded, and then when submitted, the info is removed, and the system requires edit of the form again and repopulation of the attorney name.

IDS ART is a huge source of discomfort and is time consuming. In EFS a filer selected the ART and named it all in one shot; with Patent Center, the filer uploads it, and then needs to upload each piece of art individually and wait for each piece to load before loading the next. This is unlike EFS, where a filer could just drag and drop it all in at once. If you drag and drop in PC, the system mixes the order of the refs up due to the size of each file. So, once each file is uploaded, a filer needs to wait while it uploads. If a filer uploads all at once, then the individual is required to select the doc descriptions and then wait while it populates that information. Sounds minimal, but when large volumes of art are being filed with an IDS, the process is very time consuming.

An equally HUGE downside to Patent Center is the actual DOCX issues. Election to pay the \$400 fee for each app and continue to use pdf Specs is an option. However, if this is not an option in the future, significant issues arise on "Reports" on the issues Patent Center finds in our docs. Filers have to halt in the middle of a filing, save the reports, email the attys, who are not always sitting and waiting to hear from them in the middle of a filing, to approve the issues, or if they are red errors, fix them, prior to being able to complete the application filing. With EFS, a pdf very RARELY was rejected.

Another significant issue with DOCX, when filers upload a specification, the USPTO is converting to pdf, leading to issues in small molecule structures and fonts not being caught during pdf conversion.

The issue with the Sequence Listings is now that Filers can't name it "Seq Listing text file" you have to call it "Chemical Formula text file" or it is rejected. Where Seq Listing text file was an option and is an option listed for use, it just doesn't pass validation and Filers get "Unknown Error".

Unknown Errors are happening more and more and that is not helpful in trying to figure out what to fix to upload docs for a filing.

The fee calculation screen was more useful in EFS, and sometimes a filer will jump into EFS and start a fake filing just to get the fee screen to confirm calculations. With EFS, it did not auto populate every single fee with one instance of an occurrence. Patent Center makes it appear that a filer should pay for Multiple Dep Claims, as well as any item listed with a 1 next to it. If there were 4 ind claims that fee would also be showing a 1 and it could easily be missed.

The default autosave function should be optional.

Patent Center does not calculate the filing fees for PCT filings correctly to account for the electronic filing discount.

Support staff would be unable to prepare electronic forms for attorneys to review such as Corrective ADS, Issue Fee transmittals, Terminal Disclaimers, or any document that the attorney must sign. Also, when Patent Center goes down, which it often does, EFS usually work. Also the Docx requirement keeps getting pushed, so some are procrastinating on using Patent Center to file.

It is trying to do too much. Glitches continue

<p>There are several hiccups that I encounter daily when using Patent Center specifically. These issues include:</p> <ul style="list-style-type: none"> <li>- The requirement of an attorney signature for customer number changes. Signature should not be required if the user is signed into an eligible account! **This is one of the biggest issues for me and my daily tasks. We currently make customer number changes exclusively in Private PAIR due to this requirement in Patent Center. It would be incredibly inconvenient and cumbersome if this req remained after replacement. **</li> <li>- Sign-in authentication consistency</li> <li>- False error messages (particularly when attempting to file under a practitioner) *By false, I mean that you are able to proceed as normal, however, it flags the action with an error message. This also connects with others being able to access and read saved submissions. *</li> <li>- Data replication: from time to time there are discrepancies between customer number information in PAIR vs what is in Patent Center. In addition to this, there are also times when a change is made in PAIR and it does not replicate in Patent Center.</li> </ul>
<p>Do not like that I have to manually search for the category a document should be in. Its a long and cumbersome process</p>
<p>After one of their updates, I have not been able to connect to my customer numbers that I'm listed under. My name is listed under the customer numbers for SLW and my clients in the records, however when I choose a customer number when filing an application, it says that I don't have permission/access for that particular customer number. I've reached out to the USPTO, however nothing has been fixed for me yet. As of now I use EFS Web for app filings (because it does let me use my customer numbers correctly in EFS-Web) and I file everything else in patent center.</p>
<p>It is not user friendly like EFS Web and PAIR.</p>
<p>Overall unreliable system intended to bring innovation to our practices has stepped us back in time rather than progress forward. Issues are vast and felt by all USPTO customers. To name a few, time-out periods are not fully functional, e.g., constant need to assure system one is still working in it and even then, the message continues to popup; consistent/constant booting off the system while working it, inability to effectively manage the customer numbers (e.g., inability to print changes for internal records, etc.), impractical filing practices of Patent Center are not present in PAIR/EFS-Web, DOCX issues, etc.</p>
<p>It is still the case that USPTO has NEVER had a viable backup system -- a backup way to file legally time-sensitive documents via a backup server, in a different geographic location (e.g. at a satellite USPTO office) when the main filing system fails. When the backup system actually existed, it was on the same USPTO server and always went down together with the main system. Crazy, but true, and never addressed by the USPTO.</p>
<p>I had an entire application go missing.</p>
<p>Petitions/eTD's, constantly having to authenticate, lose connection and have to refresh, cannot download large filewrappers in one shot</p>
<p>Less access errors. Sometimes inventor names are incomplete, such as missing middle names. Track One request fees included. e-Terminal Disclaimers. Electronic Corrected ADS forms.</p>
<p>User Interface</p>
<p>web filing of Issue Fees and Terminal Disclaimers. Data crashes often</p>
<p>Being comfortable that DOCx documents, which are filed, are not being changed by the system due to formatting/bookmarks/etc. (which is not an issue with filing PDFs via EFS Web).</p>
<p>There are many days where i cannot even access patent center and i have to file in efs web. How do you access epas to file assignments without going through old system. Every time i search for case information and i need to search for another case, i have to go completely out of patent center and come back in.</p>

There have been frequent issues logging into patent center recently. I like having a backup database for when these issues arise. Paper filing is the least desirable method, especially when on a tight deadline.
The instability and lack of reliability of the Patent Center are my biggest concern, but the other listed concerns are also valid.
Confusion w/filing TDs. Some confusion on fees that need to be paid.
Patent Center goes down frequently, and without PAIR/EFS Web there is no back up for filing nor for accessing information on previously filed applications.
It is important to have two systems in case of one system going down. EFS is just as important and PatentCenter.
Cannot access documents many times. The tab where the documents should be is blank. Cannot download a pdf patent - times out won't load
Searching by Attorney Docket needs to be improved on PatentCenter. In Private PAIR, one can search by "starts with" for the attorney docket and bring up an entire client's portfolio, with status information. I have not been able to recreate similar searching on PatentCenter.
Also, PatentCenter goes down and is inaccessible sometimes, which is very problematic when doing a last-day filing.
uploads disappearing from the list
Removal of uploaded documents, customer number errors
DOCX should NEVER be implemented. There are too many problems with Patent Center changing the document to something that was not agreed upon by the filing attorney or inventors.
PatentCenter would need to include every functionality offered in EFS-Web and be equally stable and have equally correct information, such as continuity data and fee data.
Patent Center sometimes stops working during the day and it delays uploading documents.
Reliability. (Which neither EFS nor PAIR have, to be fair.)
Inability to see the left-side menu when on a monitor with portrait orientation.
Paralegal access to save an issue fee submission and/or terminal disclaimer so that the attorney can go in and submit it later.
Having a link with an easy way to print a pdf copy of the published application.
Patent Center is not any better or more consistent than the other two systems and is down or unavailable just as often. Add to the fact that fees seem to disappear from Patent Center when trying to file something and then have to switch to EFS-Web to file is a problem.
Interface design
WebADS, as an example, is often not functional. We have had situations where the form is completed only to have all data erased when trying to upload. We resort to PDF form instead.
Does not calculate PCT filing fees correctly, making it impossible to pay correct fee amount. Does not allow for filing of ST25 Sequence Listings, which can be required in some cases.

## Attachment 3

**PTO's *Patent Center* information page from <https://www.uspto.gov/patents/apply/patent-center>**



# Patent Center

Patent Center (<https://patentcenter.uspto.gov/#!//>) has 100% of the functionality of EFS-Web, Public and Private PAIR, and is available to all users for electronic filing and management of patent applications. Attend a transition to [Patent Center Training session \(https://www.uspto.gov/about-us/events/patent-center\)](https://www.uspto.gov/about-us/events/patent-center) to learn more about filing and managing patent applications.

## Patent Center Benefits

- Filing and application management are incorporated within a single user interface for enhanced user experience
- Uses existing USPTO.gov accounts and sponsorships that you currently use in EFS-Web and PAIR
- Submission of the specification, claims, abstract and drawings in a single DOCX document without the need to manually separate sections
- Drag and drop interface allows filers to upload multiple files at once
- Separate submission and payment receipts clearly confirms status of submitted documents and successful payments
- Training mode is an interactive simulation where you can safely practice filing DOCX and PDF documents

## What's new & coming soon

See what's new in our latest release and upcoming features coming soon to Patent Center.

› What's New

› Coming soon

## Patent Center known issues and workarounds

The following limitations and known issues apply to the current Patent Center release:

### ▼ Known issues & workarounds

(Last modified: September2023)

Design filing CPA fee is unavailable

- Currently the design filing CPA is unavailable
- Please attach the SB/29 transmittal form indicating the fees you would like to pay along with your form of payment
- This will be fixed in October 2023

ST23/ST25 Required resource null error

- Users are still able to submit the sequence listings since the error does not persist
- This will be fixed October 2023

Workbench/Correspondence column customization

- Users are unable to customize Workbench/Correspondence column display.
- This will be fixed October 2023

PDF Filename including "spec" are auto-assigned Specification document description

- Files are being auto assigned the Specification document code if the PDF filename has "spec" in it.

- Users can just change the document code manually. This will be fixed in FY24Q1

#### Uploading large or complex DOCX files

- Currently, there is a 10MB file size limit for DOCX documents in Patent Center. If your multi-section DOCX is larger than 10MB, please split the multi-section document into single documents for uploading. If your single section DOCX document is larger than 10MB, you may have to submit it as a PDF. There is a 25MB size limit on PDFs. Also, larger files with large amounts of drawings and pages may take longer to upload. If your document upload times out, we also recommend splitting the file into single sections (whether DOCX or PDF documents). Please note we are investigating options that will allow us to receive larger files and are working on improving on our error messages for large files.

#### Unable to download the file wrapper of some applications within Documents & Transactions

- Users will experience either a 500 error or the system displays the download indicator then the indication stops without the document(s) downloaded
- This will be fixed in 2024 1st quarter

#### Inventor and Applicant middle name and suffix are not displayed

- This will be fixed in the 4th quarter

#### The text "NULL" is displayed in the name and or address of the customer number

- This is a display error and is not representative of the official customer number name or address
- This will be fixed in the 4th quarter

#### Ad-blocking software

- Some ad-blocking software may erroneously block parts of Patent Center. Although there are no ads in Patent Center, please whitelist uspto.gov in your ad-blocking software or disable it for best results.

### ▼ Resolved Issues

(last modified: September2023)

#### RESOLVED: 7-digit Design patent numbers are not being returned when searched by Patent Number (SEPTEMBER 2023)

- Users can retrieve the 7-digit Design Patent by searching the corresponding application number
- The Patent Center Team is working to correct this as quickly as possible

#### RESOLVED: Some e-Office Action participants were not e-notified for eGrants on June 27 and July 4

- The issue has been identified and will be fixed by the end of July.
- Until the fix is implemented, customer numbers not properly e-notified will be emailed on the date eGrants are made available at 9am E.T.

#### RESOLVED: Images in Scalable Vector Graphics (SVG) format

- Images in SVG format (including equations/formulas embedded as SVG images) are not supported in multi-section DOCX documents. To resolve this issue you may convert your images to a non-vector graphics format (e.g. jpeg, bitmap, png, tiff) or you may submit your document as a single section DOCX document. For equations/formulas you may also use a supported equation editor



## RESOLVED: PgPub eOffice Action Notifications

- Some eOffice participants are not receiving PgPub notifications at the 18 month notification time period

## RESOLVED: Hague: Request for Corrected Filing Receipt

- Stage 4 and 5 Hague applications do not have the document descriptions available in Patent Center.

## RESOLVED: Web ADS - Domestic Benefit

- The application number entry field for domestic benefit is inactive. As an alternative users can upload a PTO AIA/14 fillable ADS or choose the "No ADS, or Attach ADS (PDF)" in Patent Center.

## RESOLVED: Saved Entity Status Updates

- Saved entity status updates by support users currently cannot be signed and submitted by the supporting practitioners.
- As a workaround, practitioners can still submit entity status updates

## RESOLVED: ePetition to Make Special Based On Age

- Entered signatures are not retained

## RESOLVED: Web 85B

- Entered fee addresses are not being retained for user review
- Correctly entered deposit account numbers are returning an error

## RESOLVED: In Workbench/correspondence the PDF/DOCX/XML download options are not displayed when the Select All checkbox is selected

- As a workaround unselect 1 of the selected documents to display the download options

## RESOLVED: Users unable to download documents for PCT Applications in Documents &amp; Transactions

## RESOLVED: PDF Auto detection as NPL or Foreign Reference

- The auto detection of PDF documents as NPL or Foreign references is not working correctly. Users can still index PDF documents with the document code or alternatively, if possible, file the document as a DOCX using one of the file naming conventions that will auto assign the document code to the DOCX document.

## RESOLVED: New PCT filings

- New PCT filings does not show fee code 1710 when uploading the appropriate zip file.

## RESOLVED: Some users are unable to log into Patent Center after entering the 2 factor code

- User who are not registered will experience the browser reloading the Patent Center page and the URL displays <https://patentcenter.uspto.gov/?auth=true>
- Unregistered users can submit the [Patent Electronic Systems form](https://www.uspto.gov/sites/default/files/documents/Patent%20Electronic%20System%20Form.pdf) (<https://www.uspto.gov/sites/default/files/documents/Patent%20Electronic%20System%20Form.pdf>) if they are a registered practitioner or independent inventor

## RESOLVED: eTerminal disclaimer character limit

- Currently the signature field is only allowing users to input a signature up to 15 characters.
- If your signature contains more than 15 characters please use efs to file your eterminal disclaimer.

RESOLVED: If the default sort order is changed in Documents & Transactions the custom sort is not maintained in the downloaded PDF

RESOLVED: Some applications may not display all assignees when reviewing Assignment information

▼ Archived Resolved Issues

(last modified: JUNE2023)

RESOLVED: Workbench/correspondence page index display error

- The page index at the bottom of the Workbench/correspondence page now correctly displays "Page 1 of..." instead of "Page 2 of ...".

RESOLVED: Unable to copy Inventor or Applicant screen text form the Application data page

RESOLVED: Preview PDF issue

The preview function is using a browser plugin to display the PDF and is not working as expected. However, if you select the 3 dots and then select to download the PDF, all of the drawing contents are displayed

RESOLVED: Firefox browser issue when trying to log in

- If you are having trouble accessing Patent Center with the Firefox browser as a logged in user, please try logging in using either Chrome or Edge.

RESOLVED: Document Indexing

- In order to correct a document description, users will have to remove the uploaded document then re-upload and select the proper document description.

RESOLVED: XML download from Workbench/Correspondence

- In Workbench/Correspondence, the XML download is not working. The XML file can be downloaded from Private PAIR, View Outgoing Correspondence search.

RESOLVED: ADVISORY 11-OCT-22: New non-provisional applications

- Applications submitted on October 10, 2022 via Patent Center are experiencing longer than expected delays in becoming available in Patent Center and Private PAIR.

RESOLVED: Equations in DOCX filings

- For equations in DOCX filings, it is recommended you exclusively use the Cambria Math font instead of other font types to preserve the PDF content of the equation accurately.

RESOLVED: Petition to revive an application for continuity purposes only under 37 CFR 1.137(a)

- The ePetition for Revival of an Application for Continuity Purposes Only under 37 CFR 1.137(a) is temporarily unavailable in Patent Center.

RESOLVED: Amendments or Responses to Office Actions in DOCX

- Please refrain from submitting Amendments or Responses to Office Actions in DOCX format. Full functionality to support

this feature is not yet available.

RESOLVED: eOA Postcard notifications are being sent for correspondence downloaded through Patent Center

- Users are reporting that the courtesy postcards are still being sent when the outgoing correspondence is viewed/downloaded in Patent Center within the 7-day period.
- We are aware of the issue and it will be fixed in the next release

RESOLVED: Docketed column is temporarily unavailable in Patent Center

- We are aware of the issue and it will be fixed in a later release

RESOLVED: The Corrected Web ADS is temporarily unavailable in Patent Center.

- Please use a customized ADS form instead
- Please include all inventors on the customized ADS form.

RESOLVED: Managing sponsorship information is temporarily unavailable for Practitioner Support users

- Additionally, managing customer number details and filtering applications/correspondence under Workbench by customer number is also unavailable.
- We are aware of the issue and it will be fixed in the next release

RESOLVED: Limited continuity data displayed

- Due to USPTO system changes, enhancements made to Patent Center continuity data have been limited. Currently both Patent Center and Private PAIR are displaying a more restrictive continuity data.
- We are working to restore enhanced continuity data at the end of May.

RESOLVED: Some ePetitions are temporarily unavailable in Patent Center

- The following petitions are temporarily unavailable:
  - Petition for Revival of an Abandoned Patent Application Abandoned Unintentionally (37 CFR 1.137(a)) (For Cases Abandoned After 1st Action and Prior to Notice of Allowance)
  - Petition to Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))

RESOLVED: Size Limit for Sequence Listing Files

- 50MB is the size limit for sequence listing text files submitted via Patent Center.
- For sequence listing that exceed 100MB, refer to 37 CFR 1.52(e) for information.

RESOLVED: Supplemental Examination follow ons

- Some document descriptions are not present in Patent Center for follow on Supplemental Examination filings.

RESOLVED: Petition based on Age grant letter does not display in Firefox

- Please use the Chrome or Edge browser to file the Petition based on Age.
- If you use Firefox, the grant letter is not displayed on the receipt page as expected. You will receive a pop-up dialog to open or save the pdf document containing the submission receipt/grant letter document. You can also select "Save as" to download the receipt document on the receipt page.

RESOLVED: Petition to revive an application for continuity purposes only under 37 CFR 1.137(a)

- The ePetition for Revival of an Application for Continuity Purposes Only under 37 CFR 1.137(a) appears on the Petitions drop down menu as an available petition type, however this ePetition is still in development at this time..

RESOLVED: Some users are receiving an error to remove all documents when uploading documents in Patent Center

- Please be sure not to file the same application section twice. Specification, Claims and Abstract should only be upload once per submission.

RESOLVED: AIA/14 upload option in Patent Center is temporarily unavailable

- Please use the Web ADS or No ADS options available in Patent Center.

RESOLVED: Supplemental Examination temporarily unavailable

- Supplemental Examination in Patent Center is temporarily unavailable.
- Please use EFS-Web to file Supplemental Examinations.

RESOLVED: eTerminal disclaimer temporarily unavailable

- The eTerminal disclaimer in Patent Center is temporarily unavailable.
- Please use EFS-Web to file eTerminal disclaimers.

RESOLVED: Patent Center does not acknowledge user log in

- Some users may experience issues accessing Patent Center after logging into MyUSPTO, <https://my.uspto.gov/home> (<https://my.uspto.gov/home>).
- We suggest users first clear browser cache then authenticate into Patent Center directly using the "Find It Fast" Patent Center link located on the USPTO.gov home page.

RESOLVED: Sponsorship Tool does not recognize customer numbers associated to profile

- Please use the Sponsor users option under Manage to add/remove sponsorships
- We are aware of the issue and it will be fixed in the next release

RESOLVED: PCT "filing on behalf of"

- Practitioner support now have the option to select the attorney they are filing on behalf of in PCT applications

RESOLVED: ePetitions now available in Patent Center

- The following ePetitions are now available
  - Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36)
  - Petition to withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2)) and (37 CFR 1.313(c)(3))
  - Petition to withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2)) and (37 CFR 1.313(c)(3) with assigned patent number)

RESOLVED: New Practitioner Support account (DECEMBER2020)

- New Practitioner Support users are currently unable to access Patent Center and other eCommerce systems until the next business day from when the account is created. Practitioner Support users who have current sponsorships will not be affected. If the user is unable to access Patent Center the next business day, please contact the EBC at 866-217-9197 or by email at [EBC@uspto.gov](mailto:EBC@uspto.gov) (<mailto:EBC@uspto.gov>).
- RESOLVED: Direct sponsorship by an attorney is fixed, however sponsorship requests on behalf of an attorney still have a waiting period. Please contact the EBC if you are unable to sign in by the next day.

RESOLVED: Customer Number (NOVEMBER2020)

- Users are unable to save a new customer number request due to duplicate registration numbers listed. In order to save the request, select the check box to the right of the registration number for the duplicate registration number and click Remove. Once the duplicate registration number is removed, the request can be saved.

RESOLVED: DOCX APP.TEXT (NOVEMBER2020)

RESOLVED: Receipt history (OCTOBER 2020)

- The Providing quick access to your last 40 submission receipts.

RESOLVED: Attorney docket number not displaying on fee payment page (OCTOBER 2020)

- Displaying the attorney document number on the fee payment page

RESOLVED: Missing Patent offices on ADS foreign priority dropdown (OCTOBER 2020)

- Correcting the Patent offices missing from the ADS foreign priority drop down list

RESOLVED: Attorney docket number not displaying on fee payment page (OCTOBER 2020)

- Displaying the attorney document number on the fee payment page

RESOLVED: Missing Patent offices on ADS foreign priority dropdown (OCTOBER 2020)

- Correcting the Patent office's missing from the ADS foreign priority drop down list

RESOLVED: Conversion problem with multi-part PDF documents created using Ricoh MP 6503 (OCTOBER 2020)

- Documents in the file wrapper appear truncated and rotated incorrectly
- Affected PDF documents: using the document split feature on a multi-part PDF document created with the Ricoh MP 65303 PDF producer (printer/scanner)

RESOLVED: A4 Page Size Warning for PDF documents (SEPTEMBER 2020)

- An incorrect page size warning is displayed for PDF documents with A4 page size: "The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized."

RESOLVED: Training Mode Unavailable (SEPTEMBER 2020)

- Training Mode in Patent Center is currently now working properly.

RESOLVED: ePetition to Accept Delay Payment of Issue Fee (SEPTEMBER 2020)

- This ePetition is still in development at this time

RESOLVED: Corrected Web ADS (SEPTEMBER 2020)

- The Corrected Web ADS Inventors section is not working properly.

RESOLVED: ePetition based on Age (JULY 2020)

- A menu item for ePetition based on Age appears on the top drop down menu and as a submission type on the ePetitions filing types, however this ePetition is still in development at this time.

RESOLVED: Web-based Issue Fee (Web 85B) (JULY 2020)

- Updating the correspondence and maintenance fee address using the web-85b is currently not available.

RESOLVED: Saved Submissions missing Date Saved and Date Created (JULY 2020)

- In-progress submissions that you save do not list the date saved and date created.

RESOLVED: Web ADS unsupported characters (JULY 2020)

- When entering application numbers on the Web ADS - foreign priority section, slashes and periods characters are not accepted. A PDF of the Web ADS is not generated.

RESOLVED: Payment Receipt Print and Save-as buttons are not working (JULY 2020)

- The payment receipt Print and Save as buttons are non-responsive.

RESOLVED: Reel Frame Numbers (MAY 2020)

- Reel frame numbers shown incorrectly

## Additional feedback currently in development

We are working diligently to complete implementation of EFS-Web and PAIR functionality in Patent Center. We are also currently working on additional functionality that you have suggested which will be available soon:

- Displaying the attorney document number on the fee payment page
- Filing an Assignment through Patent Center
- Inventor name filter in the Workbench
- Ability to remove a registration number from multiple customer numbers
- Download documents indicator for Correspondence

For detailed explanations regarding the following suggestions, please visit the [Patent Center FAQ's \(https://www.uspto.gov/patents-application-process/patent-center/patent-center-faqs\)](https://www.uspto.gov/patents-application-process/patent-center/patent-center-faqs):

- Can the inactivity time-out be extended?
- Can Practitioner Support users sign and file ePetitions, eTDs, Web85b, and other submissions?
- Can patent drawings be submitted in greyscale and color?
- Can I get a combined Submission and Payment Receipt?


## Patent Center Feedback

USPTO would like to thank our Patent Center Alpha, Beta and IdeaScale participants for using Patent Center and providing input for improvements! In response to your feedback, USPTO has implemented many of your suggestions for Patent Center, which include:

- Improved system performance
- Accepting multi-section DOCX files
- Provided a workaround for electronic Plant application submissions
- Facilitated document description selection with type ahead search of keywords
- Storing Saved Submissions for 14 days
- Increased the number of documents that can be filed in one submission to 100
- Ability to switch between attorneys without having to re-authenticate
- Searching by attorney docket number from the Patent Center sign-in page

## Contact Information

We welcome your continued suggestions through email to the [eMod mailbox \(mailto:emod@uspto.gov\)](mailto:emod@uspto.gov); and participation on [IdeaScale \(https://uspto-emod.ideascale.com/\)](https://uspto-emod.ideascale.com/). All ideas are reviewed and considered weekly.

For questions, technical issues or troubleshooting, please contact the Patent Electronic Business Center at [ebc@uspto.gov \(mailto:ebc@uspto.gov\)](mailto:ebc@uspto.gov) or 866-217-9197 . Monday - Friday, 6 a.m. - 12 a.m. ET.

## Download Patent Center User Guide

- Patent Center User Guide ([/sites/default/files/documents/Patent\\_Center\\_User\\_Guide\\_September\\_2023.pdf](/sites/default/files/documents/Patent_Center_User_Guide_September_2023.pdf))
- Patent Center Sponsorship User Guide (<https://www.uspto.gov/sites/default/files/documents/SponsorShip-PatentCenter.pdf>)
- Accessing Publicly Available Documents QRG ([/sites/default/files/documents/Patent\\_Center\\_public\\_doc\\_access.pdf](/sites/default/files/documents/Patent_Center_public_doc_access.pdf))

## Patent Center Resources

- Patent Center Available Submission Options ([/sites/default/files/documents/Accepted\\_Filing\\_Types\\_September2023.pdf](/sites/default/files/documents/Accepted_Filing_Types_September2023.pdf))
- Legal Information and Guidance (<https://www.uspto.gov/patents-application-process/patent-center/legal-information-and-guidance>)
- Patent Center FAQ's (<https://www.uspto.gov/patents-application-process/patent-center/patent-center-faqs>)
- Common Document Code Selection Mistakes ([/sites/default/files/documents/Commonly\\_Miscoded\\_doc\\_Pairs\\_12\\_6.docx](/sites/default/files/documents/Commonly_Miscoded_doc_Pairs_12_6.docx))
- Document Description List ([/sites/default/files/documents/Document\\_Descriptions\\_List.xls](/sites/default/files/documents/Document_Descriptions_List.xls))

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## DOCX Training

Register to attend webinars focusing on filing in DOCX format in Patent Center (Eastern Time): Visit our [Patents DOCX filing Events page \(http://www.uspto.gov/about-us/events/patents-docx-filing\)](http://www.uspto.gov/about-us/events/patents-docx-filing) to register for the training sessions

Sessions last approximately 1 hour and will focus on filing in DOCX format. You will receive WebEx instructions via email prior to your session.

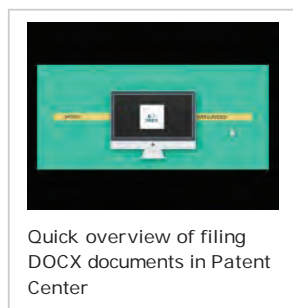
New training sessions are added regularly.

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## DOCX Filing and Retrieval (<https://www.uspto.gov/patent/docx>)

Text filing for the specification, claims, abstract and drawings is available in Patent Center to all unregistered and registered users.

Text filing for the specification, claims, and abstract is available in EFS-Web to all registered users.



## **Attachment 4**

**A list of bugs collected by the public and shared with the PTO regularly**



**Patentcenter tickets** — Patentcenter tickets

[Home](#) [Patentcenter Feature Requests](#) [Patentcenter trouble tickets](#) 

## Patentcenter trouble tickets

See [Open Letter to Director Vidal dated September 29, 2023](#) about USPTO’s scheduled shutdown of Private PAIR and EFS-Web on November 8, 2023.

**New!** We are denoting some of the trouble tickets with “HPT” which means “high priority ticket”.

These are critical problems, things that simply must get fixed in Patentcenter. See also a list of [Feature requests](#), things that would be nice, things that could be improved. See also [Good things about Patentcenter](#). Please join [the Patentcenter listserv](#). See Patentcenter [blog postings](#).

You can do a deep link to a particular trouble ticket. You do this by tacking on the pound sign and “CP” and the ticket number at the end of the URL. So for example to deep link to ticket CP100 you use this URL: <https://patentcenter-tickets.oppedahl.com/#CP100>.

Before about July 2, 2023, there were about 141 trouble tickets, numbered CP1 through about CP141. Now this Patentcenter trouble tickets page has been subdivided into two parts. The first part, which as of July 2 listed about 80 trouble tickets, is called “[Open Issues](#)”. The second part, which as of July 2 listed about 61 trouble tickets, is called “[Resolved Issues](#)”. This is the result of a bunch of hard work by Richard Schafer on about July 2, 2023. Richard points out that some of the tickets listed as “open issues” may really be fixed, but he just doesn’t have the ability to test them for one reason or another. Richard also points out that it’s also possible that something he marked as “resolved” is still actually open, if triggering the problem required some special circumstance he was not able to reproduce.

As we know, USPTO’s Ideascale system is “where good ideas go to die.” On this Patentcenter trouble ticket page, we had been methodically providing deep links from each Patentcenter trouble ticket to its corresponding Ideascale idea. It will be recalled that about 18 months ago, the USPTO people renumbered all of the Ideascale “ideas”. It seemed pretty clear that the only purpose served by this renumbering was to break every link provided on this Patentcenter trouble ticket page. Richard has methodically searched Ideascale and has found the new link numbers and has updated the Ideascale links on this Patentcenter trouble ticket page.

## Open Issues

(You can also see [Resolved Issues](#).)

1. **CP2** – April 30, 2020 – CO – Web-based Form 85B fails to auto-load into USPTO system for front page of issued patent (see [article](#)). This is [Ideascale idea number 491](#).
2. **CP3** – April 23, 2020 – CO – Web-based forms render into IFW in color and gray scale (see [article](#)). This is [Ideascale idea number 493](#).
3. **CP4** – April 30, 2020 – CO – Corrected ADS loses things (see [article](#)) – example is Patentcenter submission 60013473
4. **CP5** – April 30, 2020 – CO – Corrected ADS fails to auto-load into USPTO systems (see [article](#))
5. **CP6** – April 27, 2020 – CO – “Send email” button missing (see [article](#)). This is [Ideascale idea number 495](#). Update March 28, 2023 per Scott Neilson. The “send email” button is visible on some ack receipt pages but not others. For example it is missing from the ack receipt page for paying money.

6. **CP12** – April 30, 2020 – CO – Search by attorney docket number needs to be just as easy as it is in Private PAIR. This is [Ideascale idea number 501](#). See [blog article](#). It has still not been fixed as of March 24, 2023, see [blog article](#).  
**PTO Response:** The Ideascale moderator responded on 9/23 saying, “We plan to provide this enhanced feature in a future release.”
7. **CP13** – May 3, 2020 – KK – Unable to file change of address for expired provisionals. This is [Ideascale idea number 503](#).
8. **CP15** – May 3, 2020 – KK – Blank window when reviewing document that was uploaded as DOCX and converted by USPTO to PDF. Also, conversion from DOCX to PDF creates issues with formatting of document (headers, footers, title, error messages shown in converted document). This is [Ideascale idea number 506](#).  
**PTO Response:** The Ideascale moderator responded on 9/23/2020 saying, “We are unable to reproduce this issue. If this problem persists, please contact the EBC to provide additional info, such as browser info and steps to reproduce.”
9. **CP16** – May 4, 2020 – CO – application has a First Office Action Prediction in PAIR but there is no First Office Action Prediction in Patentcenter. This is EBC trouble ticket number 1-690814254. This is [Ideascale idea number 507](#).
10. **CP19** – May 6, 2020 – KK – Pop-up windows (such as when selecting document types when uploading PDF documents to be split) are cut off/partially off-screen when viewing in an other-than-maximized window. This is [Ideascale idea number 510](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “We will investigate and address this issue in a future release of Patent Center.”
11. **CP20** – May 6, 2020 – KK – Fee payment process split among multiple pages. It’s unclear from the first page that you can make additional selections for fee payment on the following page. All available fee payment options should be presented on a single page. This is [Ideascale idea number 511](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “This feature is working as intended. Patent Center only displays the applicable fees based on user provided attributes about a submission.”
12. **CP21** – May 6, 2020 – KK – Should be able to directly access Patent Center home page when selected from USPTO home page. Currently, selecting Patentcenter from USPTO home page brings you to landing page with information about Patent Center, and you must then click a further “Patent Center” link. This is [Ideascale idea number 512](#).
13. **CP24**. May 18, 2020. CO – In the web-based issue fee payment form (85B), EFS-Web permits use of an umlaut in the city name for the assignee. But Patentcenter pukes on an umlaut in the city name. Patentcenter needs to be corrected so that it permits use of the same character set that EFS-Web permits. This is [Ideascale idea number 514](#).
14. **CP27**. June 8, 2020. CO – Patentcenter converts a perfectly good PDF into a blank page in IFW. See [blog article](#). This is [Ideascale idea number 520](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “We’re unable to reproduce this issue. Please contact the EBC for assistance with specific application questions.”
15. **CP28. HPT**. January 2019. CO – Patentcenter saves up any real or imagined defect in an uploaded file on the “upload documents” page, and only three screens later, on the “submit” page, only when the user clicks “submit”, does Patentcenter for the first time gripe about the real or imagined defect. See [blog article](#).  
**PTO Response:** It turns out (July 1, 2020 meeting update) that USPTO considers this to be a feature rather than a bug. USPTO is going to add a warning on the upload page so that the user will realize they are only postponing the inevitable and will eventually have to return to this page to provide a document description.

16. **CP30.** June 8, 2020. CO — We e-file a new application in Patentcenter. There should be 18 documents listed in IFW. Instead there are only four documents listed in IFW. You can look in Private PAIR or in Patentcenter, either place only four documents in IFW. This is EBC ticket number 1-695641646. They found the missing 14 documents. But they loaded the drawings into Score twice! I don't know why they did that. This is [Ideascale idea number 521](#).
17. **CP31. HPT.** June 23, 2020. CO — The default “outgoing correspondence” filter is three days since imaging, but quite often the USPTO clerks take four days after imaging a document to mail it. This means that users will very predictably not be told about some eleven percent of their outgoing correspondence. See [blog article](#). This is [Ideascale idea number 523](#).
18. **CP32.** June 29, 2020. CO — the Examiner lookup for an application needs to stop concealing the parenthetical title of the Examiner, and needs to stop making it impossible to copy the telephone number and other information from the pop-up screen. See [blog article](#). This is [Ideascale idea number 525](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “We are planning to provide similar enhanced feature in a future release.”
19. **CP33.** July 5, 2020. CO — “Sort by patent number” in the workbench does not work correctly. See [blog article](#). This is EBC trouble ticket number 1-701563481. [This is Ideascale idea number 548](#).  
**PTO Response:** The Ideascale moderator responded on 9/23/2020 saying, “We plan to provide this enhanced feature in a future release.”
20. **CP34.** July 8, 2020. CO. Wrong words used to describe what to do to e-file something. It says “file another patent application” when that link is really for doing lots of things in addition to or instead of filing another patent application. It says “new submission” when that link is really for filing a new patent application, not “submitting” something in a patent application. It says “existing submissions” when that link is really for starting a new submission into an existing application”. If you want “saved submissions” you might think they are to be found at “existing submissions” but that is not where they are. You have to go on a treasure hunt and it turns out that “saved submissions” are hidden under “workbench”. See [blog article](#). This is Ideascale [idea number 597](#). See also Ideascale [item number 366](#) and [item number 375](#).
21. **CP38.** August 9, 2020. CO. The View Receipt History function of Patentcenter, which is clearly intended to try to replicate the “last 40 ack receipts” function of EFS-Web, fails at this because it is visible only to the actual filer and not to others who are connected with the application. See [blog article](#). This is Ideascale [idea number 603](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “This feature is working as intended. Filers can view their submission receipts and practitioners can view submission receipts filed on their behalf. We plan to continue improving this feature in future releases.”
22. **CP45.** September 23, 2020. CO. Practitioner e-files a new patent application on September 10, 2020 in Patentcenter using option 1, namely the web-based ADS that is generated by Patentcenter. This is supposed to auto-load the bibliographic data into Palm. We focus particularly on the Correspondence Address Customer Number (CACN). The ADS definitely had the CACN in it; you can see this in IFW. The practitioner also paid a government fee in the application. As proof that the ADS had the CACN in it, we note that the Acknowledgment Receipt shows the CACN in the ack receipt. The only way that it could have gotten there is auto-loading from the ADS. Unfortunately Patentcenter crashed before the practitioner was able to print out the ack receipt. The practitioner looked for the newly filed patent application in Patentcenter and in Private PAIR but it was not visible in either place. The next day, the practitioner was still not able to see the newly filed application in Patentcenter or in Private PAIR. The practitioner contacted the EBC. The EBC person was skeptical about the caller and made it clear that the EBC person was not going to assist the caller unless the caller could produce an ack receipt. The caller did not have

any ack receipt, because Patentcenter fails to provide “last forty ack receipts”. Eventually the caller convinced the EBC person to look in Financial Manager to see the government fee that had been charged to the caller’s credit card, and which showed the application number. This forced the EBC person to admit that the caller was not making things up and that the caller had really filed a patent application. Then the EBC person shifted ground, saying yes the application had been e-filed but the practitioner had failed to put a CACN on the application and this explained why the practitioner was not able to see the application in Patentcenter or in Private PAIR. The EBC person said the only way to proceed was for a Form AIA/122 to be filed (change of address for pending application). This was on September 11, 2020. The EBC person said e-filing was not possible for the Form AIA/122 but it could be filed by mail or by fax or hand-carried to the USPTO. The practitioner fax-filed the Form AIA/122. The practitioner has a receipt from USPTO’s fax system admitting that USPTO received the fax. This was on September 11, 2020. A week later, on September 18, the practitioner still could not see the application in Patentcenter or in Private PAIR, and contacted the EBC again. The EBC person said that the EBC would not assist further and it was up to the practitioner to try to get help from the Application Assistance Unit. The practitioner emailed the AAU at its official email address on September 19, 2020. By the end of the business day on September 21, 2020 the practitioner had still not heard anything back from the AAU. And by the end of the day on September 21, 2020 the USPTO had still not acted upon the Form AIA/122 that the USPTO had received by fax ten days earlier. So the practitioner played the Kevin Little card, which the practitioner hates to do unless there is no other choice. Within a few hours the USPTO had acted upon the Form AIA/122 and the practitioner for the first time, eleven days after filing the application, was able to see the application in Patentcenter and in Private PAIR. The Patentcenter developers need to figure out why it is that on September 10, 2020 the CACN failed to load into Palm. This needs to be fixed in Patentcenter.

23. **CP49. HPT.** May 27, 2021. CO. This ticket relates to 35-series applications (US designation from a Hague application). When the user tries to pay an Issue Fee using the web-based tool for paying Issue Fees, the system refuses to do so, saying that the tool is not available for this kind of patent application. The error message is “The application type entered does not allow for use of the Web-Based Issue Fee Transmittal.”
24. **CP50.** May 27, 2021. CO. This ticket relates to 35-series applications (US designation from a Hague application). When the user tries to pay an Issue Fee by uploading a PDF Form 85B, what happens next is that there is no document description available for issue fee payments. The filer is stuck having to choose some random document description such as “miscellaneous incoming letter”. *Update November 18, 2021. Further clicking suggests that the bug is more subtle and is somehow linked to the user’s clicking history in the left-hand column of the document description selector user interface, and perhaps also linked to which particular browser the user is using.*
25. **CP51. HPT.** May 27, 2021. CO. This ticket relates to 35-series applications (US designation from a Hague application). When the user tries to carry out any SFD (subsequently filed document) or follow-on submission, a wholly inappropriate warning appears that scolds the filer for thinking that the e-filed document might go to the International Bureau. Patentcenter says:  
 The entered application has been transmitted to the International Bureau. The USPTO will not forward, to the International Bureau, follow-on submissions that are received after an international design application has been transmitted to the International Bureau. Thus, for example, where the International Bureau has sent an invitation requiring compliance with a requirement under the Hague Agreement, the applicant **must file any reply to that invitation directly with the International Bureau to avoid abandonment or other loss of rights under the treaty.**The warning message should be scrapped since any filing in a 35-series case is by definition directed to the USPTO, not to the IB.

26. **CP55.** June 14, 2021. CO. I upload a document into Patentcenter as a subsequently filed document. I carry out the selection of a document description. Unfortunately the document description does not “take”. I click “continue” and “continue” and “continue” and I reach the page for clicking “submit”. I try to click “submit” and what I get is an error message in pink saying “a document description must be chosen for each attached file.” But I did choose a document description for the file. This is EBC ticket number 1-761431662. At the request of the EBC person, I also tried clearing the browser cache and cookies and starting all over again. This was no help. At the request of the EBC person, I also tried using a completely different browser. This was no help.
27. **CP56.** June 14, 2021. CO. I click “save” to save my submission. Then when I close out of the browser and re-enter Patentcenter, I go into my workbench for my saved submissions. It’s not there! I check the box for “auto-saved” submissions. Still it’s not there. This is EBC ticket number 1-761431662.
28. **CP58.** August 31, 2021. CO. In a Subsequently Filed Document task (sometimes called a Follow-On Submission) the screen fails to display the application title or application number or inventor name or docket number or filing date. Detailed report is provided [here](#). (First reported by Suzannah Sundby in the EFS-Web listserv on July 27, 2021.)
29. **CP59.** September 13, 2021. CO. The “success” message displayed by Patentcenter after successful e-filing of a followon filing (subsequently filed document) is “application submitted”. That message is incorrect. It is false to say that an application has been submitted if the filer has filed an SFD.
30. **CP61.** October 21, 2021. RAS. User tries to file IDS, Form 1449, and 10 references. All of the documents are uploaded with drag and drop, then the Submit button is clicked. At this point, the error message “A document description must be chosen for each attached file.” There was no way to go back to the uploaded documents and add document descriptions. There does not appear to be any way to get back to the point of providing the missing document descriptions without canceling the submission and starting over. One of the things tried was the three dots “[Upload documents Calculate fees Review & submit](#)” in the upper right corner. That didn’t go back to “Upload documents,” but to “review and submit.” See [CP55](#) for a similar report.
31. **CP62.** October 21, 2021. RAS. Inconsistent nomenclature that invites user error. One of the things I tried as a workaround for the “document description must be chosen” error message was (from the top row menu) Existing Submissions > Upload documents (hoping that would go back to a point where document description could be set). The problem is that clicking here didn’t go to anything about “Existing submissions.” It went to “New submission for existing application.” Then the user clicked “Save” The message received is “Successfully saved application information.” No, this saves a “submission.” When the user came back, the list of things was “Saved submissions.” It can’t be an “application” when the user saves it, and “submission” when the user retrieves it. That’s gibberish.
32. **CP63.** October 22, 2021. CO. In a 35-series case, the applicant may need to upload Form SB/38 (request to retrieve priority document from DAS). But Patentcenter fails to provide a document description for this document. This is EBC ticket number 1-823950504. (Note duplicate ticket at [CP95](#).)
33. **CP65.** November 11, 2021. CO. In all of the links in all of the tabs in the blue bar across the top of Patentcenter, the links are defective. If you right-click on any of those links with a goal of opening any of those functions in a new window, what you will find is that Patentcenter plays dumb and merely opens a new home screen of Patentcenter. It is then up to you to click and mouse and click and mouse until you manage to drill down to the function that you actually wanted to reach. This is described in detail [here](#).
34. **CP67.** November 22, 2021. CO. (Reported by Andrea Jacobson.) The tabular display of OCNs (outgoing correspondence notifications) does not scale properly for any normal user display screen. No matter how you might try to scroll left or right, no matter what screen scaling you might choose, it is nearly impossible to make decent use of this tabular display. In contrast, the similarly functioning tabular display of OCNs in PAIR is actually usable.

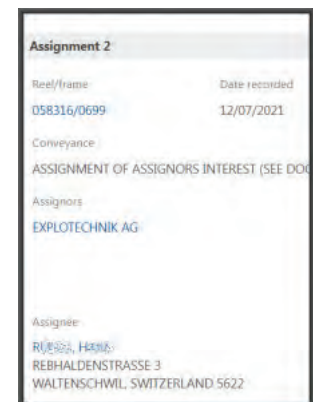
35. **CP69**. December 3, 2021. RAS. **HPT**. (Reported on [Patent Center child continuity data is incomplete \(ideascalegov.com\)](#)) In Public PAIR (and Private PAIR), the Continuity tab for a given patent application lists, as Child continuity data, all US applications that claim priority to the given application. This includes children as well as grandchildren, great-grandchildren, etc. The Patent Center Continuity data is sometimes incomplete. For example, look at the continuity tab of [this](#) PCT application (PCT/US14/69537). Notice that there is no child data. Go to the continuity data for the listed parent provisional application (US 61/914,908; [link](#)) and it shows two US non-provisional child applications. The non-provisional child applications should have been listed on the continuity tab of the PCT application. Go the continuity data of one of the two US non-provisional child applications (US 15/103,178; [link](#)) and it shows the PCT application as a parent application. This further confirms that the non-provisional child applications should have been listed on the continuity tab of the PCT application. All of this is to say that the continuity tab of the PCT application does not list the non-provisional child applications and is therefore still broken. Imagine a situation where the PCT application did not claim priority to a provisional application. In that case, there would be no way to find the two US non-provisional child applications from the PCT, because nothing would be shown on the continuity page of the PCT application. As another example, here is another family showing that US 14/073,812 ([link](#)) is a CIP of PCT/US2013/038508 ([link](#)). However, the continuity data does not list the child application. (Thanks to Scott Nielson for these detailed examples.) This is EBC ticket number 1-839307926.
36. **CP71**. December 8, 2021. CO. Patentcenter generates Third-Party Preissuance Submissions that are blurry and faint and nearly unreadable. This is EBC ticket number 1-783509075.

Foreign patent documents		
Date #	Foreign Document #	Concise Description of Relevance
1	202078104554	The document shows a releasable fastener of a roof rail, which is achieved by an advantageous side-mounting. Essential components of the

click to enlarge

At right is an excerpt from a Concise Description of Relevance generated by Patentcenter. The problem is that Patentcenter generates this text as gray rather than as pure black and white. If the filer previews the document, it looks perfectly clear on the filer's screen. It is a gray color with an RGB hex value of #444545. (In RGB, pure white is #FFFFFF and pure black is #000000. The font for "Foreign Patent Documents" is rendered with #040405 which is not quite pure black.) When the filer clicks "submit", the result is that the gray text gets halftoned and becomes blurry and faint. The result is that the Third-Party Preissuance Submission is likely to fail as an advocacy document before the Examiner in the case.

37. **CP74**. March 25, 2022. CO. Continued failure of *restfulness* of Patentcenter. I had three design patent applications with Notices of Allowance. Running in parallel, I clicked each application through the web-based 85B workflow to the "submit" page. I then clicked "submit" for all three design patent applications. Only one of the three workflows permitted payment of the Issue Fee. The other two workflows crashed, displaying a red error banner that the system was unable to process the payment. Refreshing the page on either of the two errored workflows displayed a banner that the shopping cart was empty.
38. **CP75**. March 25, 2022. CO. Ack receipt lies about the files that I uploaded. I uploaded two PDF files. The ack receipt says I uploaded five files. Three of the files have message digests that fail to match the supposedly corresponding file in IFW. See [blog article](#).



click to enlarge

39. **CP78**. May 31, 2022. CO. In the web-based ADS for provisional patent applications, the dialogue wrongly offers the opportunity to add domestic benefit claims and priority claims. The dialogue wrongly offers the opportunity to select whether the filer prefers an 18-month pub or no publication.

40. **CP79.** May 31, 2022. CO. In the web-based ADS, the dialogue wrongly demands that at least one inventor be identified. The rules do not require identifying an inventor as a condition for getting a patent application filing date.
41. **CP81.** June 1, 2022. KK. PatentCenter’s Web 85B appears to be unusable for submission of an issue fee for a plant patent matter. When a plant patent application number and confirmation number is entered in PatentCenter, the correct bibliographic information is shown; however, PatentCenter identifies the application as “Nonprovisional Application under 35 USC 111(a),” and requires payment of the utility issue fee (e.g., current small entity issue fee for plant patent is \$420, but payment of the small entity utility issue fee is required at \$600). There does not appear to be any way to select a different application type or change the required payment amount. PatentCenter Web85B issue fee submission should be updated for compatibility with plant patent applications.
42. **CP82.** June 13, 2022. CO. The user follows the click path for a subsequently filed document (SFD) which is the click path wrongly labeled “existing submissions” for a provisional patent application. What pops up is a big warning banner that says “A provisional application must include a cover sheet required by § 1.51(c)(1) (e.g. form PTO/SB/16), which may be an application data sheet or a cover letter identifying the application as a provisional application that meets the requirements of § 1.51(c)(1).” The warning banner is inappropriate twice over:
1. This click path is for SFDs which means that *by definition this warning is too late – the correct time to have provided this warning was in some previous e-filing submission.*
  2. This particular application is an application in which a cover sheet was previously provided, and indeed an official filing receipt was already mailed, meaning that the USPTO already knows that the filer provided a cover sheet.

What needs to happen is that this warning should be put in the face of the filer *only if a cover sheet has not already been provided.*

43. **CP83.** June 18, 2022. CO. Bad letter-case rendering during click path for web-based issue fee transmittal. We click around in Patentcenter to pay an issue fee. There are fields for entering the city and the country where the assignee is located. The user enters the city and selects the country.

In particular the user does not want to use ALL CAPITAL LETTERS for the city because that would be shouting. The user wants to use normal Initial Capital Letters. So in this case the user enters “Paris”. This uses an upper-case “P” and a lower-case “aris”. Then the user proceeds to a next screen and what appears is completely wrong. The preview shows “PARIS” in all capital letters. See the screen shot at right. Unfortunately it is impossible for the user to bring about any change in this wrong ALL CAPITAL LETTERS shouting in the preview page.

So the user gives up and clicks “submit”. Then later what we see in IFW is that somehow the city name has reverted to initial caps. Of course what needs to happen is the Patentcenter developers need to fix the mistake in the rendering code so that the preview is not in ALL CAPITAL LETTERS for the city name.



click to enlarge

44. **CP89.** January 9, 2023. CO (reported by Victoria O’Connor). Patentcenter unilaterally reorders the inventor list in a PCT application filed in RO/US. The filer uploaded a PCT Request as part of a ZIP file, with inventors listed in a particular order. Later, the filer looked into the file history and the inventors are ordered differently in the inventor list.
45. **CP91.** January 17, 2023. CO (Reported by Gerry Peters.) In the application list, if the user carries out the multiple mouse clicks to restore the “attorney docket number” column to view, this fails to be “sticky”. After any subsequent activity the “attorney docket number” column disappears again.
46. **CP94.** February 7, 2023. **HPT.** RS (Reported by Christian Scholz.) When you file a CPA in a design matter, Patent Center automatically filters the fees you can pay so that they only include the fees that are presumably applicable to

CPA applications. However, the fees that are listed DO NOT INCLUDE THE CPA SEARCH OR EXAMINATION FEE. This means if you file a CPA in Patent Center, you then have to go into EFS afterward and pay the two missing fees separately. This was first reported in Ideascale in July 2020.

47. **CP95.** Inadvertent duplicate of [CP63](#).
48. **CP98. HPT.** February 18, 2023. CO. Patentcenter refuses to provide web-based corrective ADS for provisional patent applications.
49. **CP99. HPT.** February 20, 2023. CO. Patentcenter fails to check for two attempted entries into US national phase from a single PCT application. See for example Patentcenter number 60947671 e-filed on September 8, 2022 and Patentcenter number 61618254 e-filed on February 19, 2023.
50. **CP101. HPT.** March 5, 2023. CO. Patentcenter refuses to provide the web-based corrective ADS function for 35-series cases (US designation from a Hague application).
51. **CP102. HPT.** March 5, 2023. CO. Patentcenter refuses to provide the web-based corrective ADS function for 371 cases (US national-phase entry from a PCT application).
52. **CP103.** March 13, 2023. CO. National-phase entry is e-filed in Patentcenter with patentcenter number 61724506. There are two inventors in the ADS and for each inventor, a city and country of residence is listed in the ADS. The city and state for the second inventor auto-loads into Palm. But the city and state for the first inventor fails to auto-load into Palm. This was reported to EBC agent 48 with ticket number 1-826155667.
53. **CP105.** March 19, 2023. CO. The March 17 version of Patentcenter is far less “restful” than the previous version. In particular, if one right-clicks on “Upload documents / pay fees” and opens it in a new window, the link is a non-loadable link “about:blank#blocked”.
54. **CP108.** March 19, 2023. CO, reported by Richard Schafer. The March 17 version of Patentcenter still fails to include the attorney docket field by default in the Workbench/Correspondence page.
55. **CP109.** March 19, 2023. CO, reported by Richard Schafer. The March 17 version of Patentcenter breaks any normal sense of responsiveness for the Workbench/Correspondence page. If for example the user’s window is only 10½ inches wide, the the entire list of correspondence has disappeared and the filter pane has mysteriously swollen to fill the entire window! Only if you happen to notice the vertical scroll bar will you realize that the correspondence list has been moved below the fold.
56. **CP110.** March 20, 2023. CO, reported by Richard Schafer. Appearance and function of column sorting arrows changes from day to day, having changed on March 17 and having changed again at least once after March 17. Column sorting happens in several tables in Patentcenter, including *Applications*, *Outgoing Correspondence*, *Receipt History*, and maybe *Saved Submissions*. Here are today’s findings:
  - Today, in the applications tab of the workbench, the arrows don’t act as toggles and the highlighted down arrow points down for an ascending sort and up for a descending sort, as the original poster said. It’s as if the PTO silently changed the behavior of the applications tab.
  - But if you do the same thing in the correspondence tab, the arrows behave differently. They point down for an ascending sort and up for a descending sort, but as I said in my email below, clicking on the highlighted arrow toggles the sort order and highlights the other arrow.
  - That’s not the only inconsistency. In the Applications tab, clicking on the column text heading or anywhere in the heading box other than the arrows does nothing. Only clicking on a non-highlighted arrow causes the sort to change. But in the Correspondence tab, clicking anywhere in the heading box (even on blank space) toggles the sort order.
  - And, of course, the Receipt History tab doesn’t allow sorting at all.



57. **CP113.** March 21, 2023. CO. In the March 17 version of Patentcenter, the “print” to PDF icons for *Application data*, *Continuity*, and *Foreign Priority* all generate identical operating system file names for the PDF files. This means that each print to PDF overwrites the previous PDF files. In the previous version of Patentcenter, the “print” to PDF icons for those pages generated distinct operating system file names so the print to PDFs did not overwrite each other. The March 17 version needs to restore the functionality from the pre-March 17 version as to the distinct file names.
58. **CP116.** March 24, 2023. CO. Patentcenter is supposed to bring forward all functions of PAIR. PAIR provides the “status code”, for example as `<pair:ApplicationStatusCode>17</pair:ApplicationStatusCode>`. But Patentcenter nowhere reveals the numerical “status code” for a patent application. This needs to be corrected so that Patentcenter reveals the numerical “status code” for each patent application.
59. **CP117. HPT.** August 9, 2020. JS. In EFS-Web each ack receipt gets a file name that is unique. Patentcenter always tries to give the same name (N417) to every ack receipt. What Patentcenter should do, as part of bringing forward features of from EFS-Web, is give a unique name to each ack receipt. The source of uniqueness in the file name for the ack receipt could be the application number or the docket number or even the patentcenter submission number. This is Ideascale [idea number 595](#). (Formerly FR40.)
60. **CP118.** August 9, 2020. JS. In EFS-Web, in a submission where money is paid, the ack receipt provides both the acknowledgment of documents filed and also the acknowledgment of money paid. But in Patentcenter, this feature of EFS-Web is not brought forward. To fix this, the second ack receipt (the one that tells you that yes you paid your money) should repeat all of the information that was in the first ack receipt (the one that tells you that yes you e-filed some documents). This way, the second ack receipt can replicate the function of the single ack receipt from EFS-Web. This way, the filer usually only needs to preserve a single ack receipt (the second one). This is a comment in Ideascale [idea number 412](#). (Formerly FR39.)
61. **CP121.** May 2, 2020 – CO – Patentcenter needs to be “restful”. This is Ideascale [idea number 533](#). This is a bug rather than a feature request because USPTO promised “restfulness” in the first alpha testing of Patentcenter. (Formerly FR8.)
62. **CP126.** March 28, 2023. CO. It was until now possible to copy the patent number. In the March 17 version of Patentcenter, this function has been broken.
63. **CP127.** March 28, 2023. **HPT.** RS – Patent Center requires entry of a state/province for certain countries that should not require it. The details of the bug are described below. This bug occurs anywhere in Patent Center that requires/allows entry of a mailing address: Web-ADS (inventor address, applicant address, assignee address), the first page when filing an international PCT application (where you enter the correspondence information), etc. For most countries, Patent Center does not require a state/province. However, Patent Center requires it for China, Oman, and the United Kingdom (and US and Canada but those make sense). It should not be necessary to enter a state/province for China, Oman, and the United Kingdom. In the case of China and Oman, Patent Center only gives a single option for the state/province even though many addresses in those countries are not in the listed “state/province.” In the case of the United Kingdom, Patent Center provides a confusing list of overlapping political subdivisions making it impossible to know which one to pick. For example, Patent Center lists: England, England and Wales, Great Britain (Great Britain is the combination of England, Scotland, and Wales), Northern Ireland, Scotland, and Wales. If an address is in Wales, should the state/province be England and Wales, Great Britain, or just Wales? The address falls within any of these three. EBC ticket 1-827293068.
64. **CP128.** March 28, 2023. CO, reported by Scott Neilson. When you are on the ack receipt page, you see an orange box at right that says:

The “file an assignment of ownership” link is temporarily broken.

This has been “temporarily broken” for something like six months now.

65. **CP131.** March 29, 2023. CO, reported by David Bernstein. In the eTD (web-based terminal disclaimer), it is impossible for sponsored staff to prep the eTD.

66. **CP134.**

April 7, 2023. CO. In Patentcenter, filer tries to do a “split document” upload in a 35-series case. The drop-down menus for document splitting spill out of the screen display area. See screen shot. This is a responsiveness fail.



click to enlarge

67. **CP135.** March 30, 2023. CO. Applicant filed an “auxiliary PDF” file that was 175K in size and contained scrapable text. The Ack Receipt lists a message digest that matches the PDF file that the applicant uploaded. But now suppose the applicant downloads from IFW the PDF file that is indexed as if it were the auxiliary PDF. That PDF file is 500K in size and does not contain scrapable text. The message digest for this PDF file does not match the digest listed in the Ack Receipt. This is EBC trouble ticket 1-828414131.

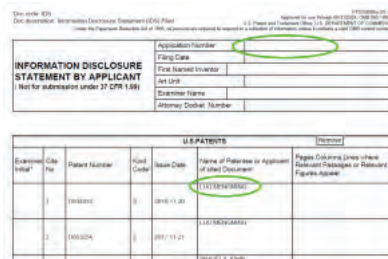
68. **CP136.** April 23, 2023. CO. In the pre-March-17 version of Patentcenter, a user who is viewing the Application Data tab could copy the international design registration number for later pasting into some other document or application. But in the March 17 version, it is impossible to copy the international design registration number.

69. **CP137.** April 23, 2023. CO, reported by Ovis PC. Patentcenter asks you to plug in the total claims and total independent claims. And, a handy pop-up box says Patentcenter will take into account what you previously paid. But, it didn't. Two responses ago, filer paid for 10 excess claims. Today, filer used the autocalculate, plugged in 29 as the total number of claims, and it wanted to charge 8 excess claims. The independent claim calculation was off, so filer had to insert the wrong number to get the right payment total. Filer just left the total claims blank and skipped past the wording.

70. **CP138.** May 3, 2023. CO, reported by Scott Nielson. The filer paid an issue fee today for a client that previously qualified as a small entity but no longer does. The filer initially tried to change the entity size and pay the fee with the Web 85B-Issue fee transmittal in Patent Center. It let the filer change the entity size to regular, but the amount owed did not change (it was still the small entity amount). Even though the filer updated the entity size, Patentcenter would not update the amount owed to the fee for a large entity. The filer cancelled the issue fee payment, changed the entity size in the main file wrapper in Patentcenter, and then went back and filled out the Web 85b form. Only after these extra steps did Patentcenter correctly show that the entity was now a large entity and allowed the filer to pay the large entity fee. The bug is that the Web 85b form should allow the filer to change the entity (it supposedly does this) AND at that moment Patentcenter should recognize the change and update the amount owed. (Another user reports a similar defect in the web 85b form in connection with a shift from micro entity to small entity.)

71. **CP139.**

May 18, 2023, CO. Filer uploads an IDS. The filer clicks the “preview” button. What pops up is a rendering of the IDS that says the application number is missing. The rendering also shows the “patentee” name in an oddly elevated position in the table box.



click to enlarge

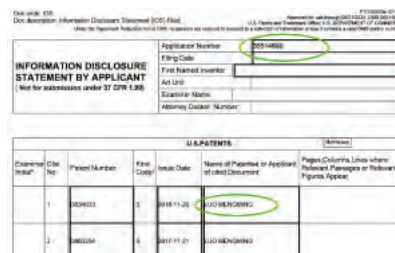
The filer clicks “submit”. The document in IFW (see at right) fails to match the preview rendering. The “patentee” name is now vertically centered and now the application number is visible. This is EBC ticket

number 1-830635911. (Update:

<https://www.uspto.gov/patents/apply/patent-center> says this is “resolved” but it is not “resolved”.)

72. **CP140.** May 25, 2023, RS. The PTO changed their login system today.

Before, logging into MyUSPTO let me open PatentCenter without having to relogin. Today, if I open a link to Patent Center or TEAS from the MyUSPTO page, I’m prompted to enter the authentication code before the Patent Center or TEAS page opens, even if I’ve checked the box saying “Don’t challenge me on this device for the next 24 hours.” If I open a new browser window and try to open Patent Center, TEAS, or anything else that requires a login, no further login was required before today, since I was already logged in. Today, each system appears to require its own complete login, and none of them recognize the “Don’t challenge me” option from any other system. That’s a significant step backward. This is EBC ticket 1-831159389.

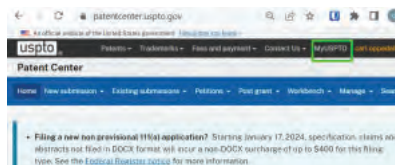


click to enlarge

73. **CP141.** May 25, 2023, RS. Private PAIR now lies about Patent Center: “**ADVISORY (19MAY2023)** Patent Center has 100% of the functionality of EFS-Web, Public and Private PAIR, and is available to all users for electronic filing and management of patent applications.” That’s absolutely false. I requested the advisory be taken down or removed. The agent initially responded by saying I can use Patent Center for filing, etc. But I insisted he escalate it because the “100%” is a lie. This is EBC ticket 1-831173674. See [blog article](#).

74. **CP142.** July 4, 2023.

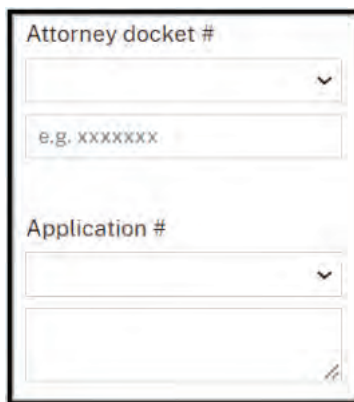
CO. If you are in Patentcenter, and if you click on “MyUSPTO”, it does not go to “MyUSPTO”. Instead, the screen refreshes and once again you are at Patentcenter.



click to enlarge

75. **CP144.** July 7, 2023.

CO, reported by Jeffrey Ingerman. The USPTO has tried to clear trouble ticket [CP66](#) but has replaced one bad UI (user interface) design element with another bad UI design element. The previous problem was that to make use of, say, the attorney document search function, you saw a drop-down menu with fragments of the selections (part of the word



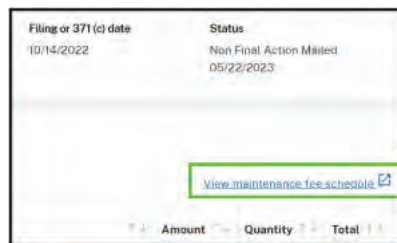
click to enlarge

“contains” instead of the entire word, for example). At least then, the user could see that it was indeed a drop-down menu because one of the selections was peeking through, serving as a default selection. The problem with the newly reshaped and resized drop-down box is that you have to sort of “already know” that it is a drop-down box and you sort of have to “already know” what the box is for. If you were a regular user of the previous (defective in a different way) design for the box, then you sort of “already know” what to do with the two boxes. But a newcomer to this portion of the user interface will needlessly struggle to make sense of it. Is the top box (which is empty and which invites you to try to type something into the empty place) the place to type in the application number or maybe

docket number? Or if not, then what is that box for? Yes it turns out it is an Easter Egg. You find out by random clicking and making it expand to show previously invisible drop-down selections that it is a drop-down for “Exact” or “Contains” or whatever. This could be easily remedied by providing a default selection in the drop-down box. Ideally the developers would check with the Patentcenter listserv community to find out which default value the users would prefer, and would then make that choice the default. I predict, however, that the developers will instead wrongly think that they know better what the default value ought to be, and will pick “Exact” for the default value.

- 76. **CP145.** CO, July 6, 2023. The unnecessarily short-fuse forced logout of the user from Patentcenter has switched from explicit and annoying to passive-aggressive and more annoying. (The short-fuse forced logout is, for most users of USPTO systems, a bug, not a feature, see [May 10, 2014 blog article.](#)) Until about two weeks ago, the Patentcenter forced logout was annoying in terms of how fast it happened, but at least it was explicit. You knew that you had been forced to log out. There was a message on the screen saying the USPTO had forced you to log out. But as of around two weeks ago, the forced logout has changed to passive-aggressive. The way you find out that the USPTO has forced you to log out is very indirect. You simply click to “do something” and no matter what you try to do, you get some very unhelpful little red warning like the application number you are searching for does not exist. The correct fix would be for the USPTO to permit the user to check a box to defer or disable the forced logout.
- 77. **CP146.** RS, July 20, 2023. Patent Center splits an application filed in DOCX format as a single file into three files: Specification, Claims, and Abstract. In the process, Patent Center corrupts the page numbering, so that the Claims file and the Abstract file start with page 1 instead of being consecutively numbered with the Specification file as required by 37 CFR 1.52(b)(2)(5). Thus, Patent Center takes a rule-conforming file and makes it non-conforming.
- 78. **CP147.** CO, August 21, 2023.

As may be seen from the screen shot at right, this application has a status of “non-final action mailed”. So it is not an issued patent. Despite this, Patentcenter provides a spurious link proposing to show the maintenance fee schedule for this patent. Of course Patentcenter should show a maintenance fee schedule only for an issued patent.



click to enlarge

- 79. **CP148.** August 29, 2023. CO.

Attorney docket number is missing from correspondence table even though it is present in the actual application pages. See screen shot at right, taken on August 29, 2023. EBC ticket number is 1-838522518.

The screenshot shows a table titled '5 correspondence received'. The table has columns for 'Application #', 'Attorney docket#', 'Patent #', 'Customer #', and 'Doc Code'. The 'Attorney docket#' column for the second and third rows is empty, which is highlighted with a green box. The first row has '29517416' in the first column, 'LX98 0-0603' in the second, and '16309#' in the third. The second row has '35515419' in the first column and '746#' in the third. The third row has '35515419' in the first column and '746#' in the third. The fourth row has '35515419' in the first column, 'Berr, 2006 2207499-LX-P' in the second, and '746#' in the third. The fifth row has '63531716' in the first column, 'AL 8425 0082 166JUS' in the second, and '651#' in the third.

click to enlarge

- 80. **CP149.** CO, reported by Margaret Polson, August 29, 2023.

Practitioner uploads a fillable PDF ADS (official USPTO Form AIA/14) to Patentcenter, relying upon the expectation that the bibliographic data from the ADS will auto-load into Patentcenter and thence into downstream USPTO systems. When the practitioner reaches the “submit”



page, all the information that in theory auto uploads from the ADS was not showing up. See screen shot.

click to enlarge

81. CP150. CO, September 16, 2023.

The “applications” screen in Patentcenter is supposed to provide the most recent “Submission Receipt” and the most recent “Payment Receipt” for each listed application. As may be seen in the screen shot, however, this is often broken for some listed patent applications.



click to enlarge

82. CP151. HPT. September 18, 2023. CO, reported by Robert J. Ross.

The ellipsis has disappeared from Patentcenter Correspondence. This means it is now impossible to display the attorney docket number.



click to enlarge

83. CP152. Inadvertent duplicate of CP148.

84. CP153. HPT. September 21, 2023. CO.

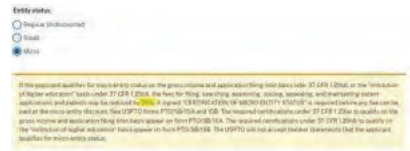
Capability to upload an ST.25 sequence listing is broken. Error message is an unhelpful “Required resource is null.” See [blog article](#).



click to enlarge

85. CP154. September 21, 2023. CO, reported by Rachel Watt.

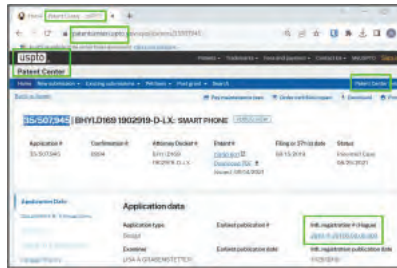
Patentcenter says (see screen shot) that the fee reduction for micro entity is 75%. The correct figure is 80%.



click to enlarge

86. CP155. HPT. September 20, 2023. CO.

In a US designation from a Hague application (“35-series application”) that the “International Registration Number (Hague)” information is incorrect. See screen shot at right. Patent Center now lists only incorrect information in this field.



click to enlarge

87. CP156. September 25, 2023. CO, reported by Jeffrey Ingerman. In EFS-Web, when you create a saved submission, you may then click to save or print a “submission record” which is a detailed receipt showing exactly what you saved in the saved submission. (See exemplary screen shot at right.) In an office with a collaborative work flow, this is very helpful because the receipt can be sent to a colleague. The colleague might then carry out quality control or a review and then might click “submit”. Patentcenter fails to provide this function.

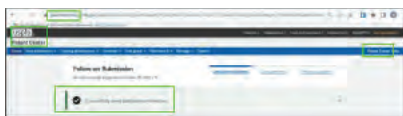
Instead you are given only a content-free banner (see screen shot at right) that says that nothing more than “Successfully saved application information”. Patentcenter fails to provide “save” or “print” links and fails to provide any submission receipt.

88. **CP157.** September 25. CO, reported by Scott Nielson. The QPIDS document description

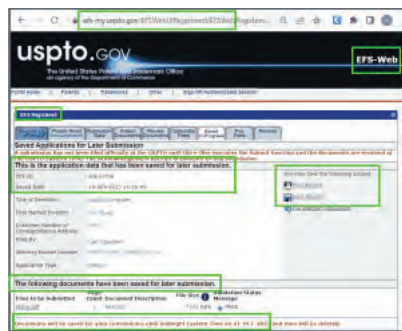
cannot be found by typing keywords in document description field. After

uploading the QPIDS IDS form, the filer tried to find the correct document description by typing various keywords such as “quick” “path”

“IDS,” etc. in the document description field. Nothing showed up. The filer eventually decided to use “Transmittal Letter.” Later as the filer was manually shuffling through the document descriptions while dealing with the bug of trouble ticket CP158, the filer stumbled across “Quick Path Information Disclosure Statement.” Yeah, it’s there, but you must select it manually from the drop-down menu. Typing in keywords will not work. Apparently, when using keywords to find document descriptions, Patent center searches through a list of descriptions that is different than those that are available manually.



click to enlarge



click to enlarge

89. **CP158.** September 25. CO, reported by Scott Nielson. Cannot include patent term adjustment statement. The PTO says in the QPIDS faqs (Q23 [link](#)) that “applicants are encouraged to include a statement under 37 CFR 1.704(d) so as to avoid a reduction in patent term adjustment pursuant to 37 CFR 1.704(c)(10).” As some readers may recall, a recent rule mandated that patent term adjustment statements be coded with the correct document description or they might not be given effect. Given this and the statement in the faqs, you would think it would be possible to use this document description when filing a petition to withdraw from issue in Patent Center. Well, you would be wrong! Only certain document descriptions are allowed and “Patent Term Adjustment Statement under 37 CFR 1.704(d) filed with an IDS-PTA.IDS” is not one of them. The document description shows up as being available when searched by keyword as shown in the image shown at right.

But if you select it, you will receive the error shown at right.



click to enlarge

The filer ended up filing the patent term adjustment statement separately from the petition to withdraw from issue. The filer is concerned

that the USPTO personnel will fail to match up the two documents, in which case the attempt by the filer to prevent improper loss of PTA will be unsuccessful.



click to enlarge

90. **CP159.** September 25. CO, reported by Michael B. Comeau.

EFS-Web has a very helpful feature that permits the filer, when constructing a web-based Application Data Sheet, to import selected bibliographic data from a previous patent application. This feature is called “Application Information Retrieval” and may be seen in screen shot at right. This feature is particularly helpful for continuations, divisionals, and continuations-in-part, especially if one lacks access to the originally filed PDF ADS. In this particular case, Patent Center simply refused to accept the fillable form that was used three years earlier in the parent case. The filer reports that Patent Center does not appear to have this functionality.



click to enlarge

91. **CP160. HPT.** September 30, 2023. CO, reported by Narek Zohrabyan.

Filer is filing Web 85B Issue Fee form and is also trying to upload a Post Allowance document in pdf format. Regardless of whether filer picks a document code of Miscellaneous – MISC or Post Allowance

Communication – Incoming N427, what happens next is an unhelpful error message that says “DocCode must be one of the valid codes from reference data.” This is EBC ticket number 1-836237428.



click to enlarge

92. **CP161.**  
 93. **CP162.**  
 94. **CP163.**  
 95. **CP164.**

## Resolved Issues

(You can also see [Open Issues](#).)

1. **CP1** – April 30, 2020 – CO – Web-based Form 85B loses initial capitalization for assignee city name (see [article](#))  
**PTO Response:** fixed May 12, 2020.
2. **CP7** – April 26, 2020 – CO – Supplemental content fails to match PAIR (see [article](#))
3. **CP8** – April 23, 2020 – CO – Reel number displayed wrong (see [article](#))  
**PTO Response:** fixed May 12, 2020.
4. **CP9** – April 23, 2020 – CO – EPO missing from priority claim drop-down menu (see [article](#)) – update July 2, 2020 we are told this will get fixed in a mid-July update to Patentcenter.  
**PTO Response:** Fixed in July 2020.
5. **CP10** – December 28, 2019 – CO – should say “fewer”, not “less”, for inventor count (see [article](#)). This is [Ideascale idea number 497](#). This got corrected at about September 28, 2023.
6. **CP11** – April 30, 2020 – CO – The hourglass (the sort of wheel thingy) remains in view and keeps spinning long after the requested action has actually finished. See [article](#). This is [Ideascale idea number 499](#).  
**PTO Response:** The Ideascale moderator responded on 9/23/2020 saying, “We are unable to reproduce this issue. If this problem persists, please contact the EBC to provide additional info, such as browser info and steps to reproduce.”
7. **CP14** – May 3, 2020 – KK – Receive “wrong page size” error when correctly sized page is uploaded. This is [Ideascale idea number 505](#).
8. **CP17** – May 4, 2020 – CO – application has a class and subclass in PAIR but has no class or subclass in Patentcenter. This is [Ideascale idea number 508](#).  
**PTO Response:** The Ideascale moderator responded 9/23/2020 saying, “Thank you for providing your observation. Please contact the EBC with the specific application information.”
9. **CP18** – May 6, 2020 – KK – Continue button for accessing Payment Window Status and Fees page is unselectable unless checkbox next to Statement by Small or Micro Entity of Delay Due to COVID-19 Outbreak is checked (to continue without checking this box, you have to click within already-populated Application Number and Patent Number boxes). This is [Ideascale idea number 509](#).

## **Attachment 5**

**A post to the PTO's bug reporting web site noting the difficulty of reporting bugs, from <https://uspto-emod.ideascalegov.com/c/idea/65496>**



Leveraging Text (DOCX)

## IdeaScale is not intended to collect bug reports. It's designed to discourage them.



02/20/2023 04:26 PM · Idea #111 · Views 11

I see that there's only been one comment on "Leveraging Text (DOCX)" in the last fifteen months. <https://uspto-emod.ideascale.gov.com/c/campaigns/756/stage/all/ideas/recent> This is not because DOCX is not buggy, It's because IdeaScale is designed to discourage comments. I infer that IdeaScale is a Potemkin, something to show higher-ups that "We have a comment system, and no one is complaining, so our software must be really good." I conjecture that someone (probably someone with "quality" in his/her title) has compensation metrics that are driven by low reporting of problems on IdeaScale, and that the following "Security Policies" were set by that person. Someone's a crook.

I had been locked out of IdeaScale for 18 months. Today I found a back door. I looked at the "Security Policies" and they're ridiculously out of synch with the sensitivity of the data.

- IdeaScale is set to expire passwords in **60 days**. There is no reason on God's green earth that IdeaScale passwords should **ever** expire. NIST withdrew their recommendation for password expiration YEARS ago, and now recommends that passwords should NOT expire.
- Given the low sensitivity of the data in IdeaScale, there is no reason that passwords shouldn't be reused. If I make three faulty guesses, and do "password reset," I should be able to request a reset and put back my password where I wanted it all along.
- The session timeout is fifteen minutes. That's absurd.
- "Remember me" is disabled
- Turning off two factor authentication is disabled.
- IdeaScale has exceptionally stringent password construction rules -- NIST suggests <https://pages.nist.gov/800-63-3/sp800-63b.html> passwords of at least 8 characters, IdeaScale requires 12. NIST recommends "No other complexity requirements for memorized secrets SHOULD be imposed. ... Verifiers SHOULD NOT impose other composition rules (e.g., requiring mixtures of different character types or prohibiting consecutively repeated characters) for memorized secrets. Verifiers SHOULD NOT require memorized secrets to be changed arbitrarily (e.g., periodically)." The PTO sets much more stringent criteria anyway. NIST specifies very limited circumstances in which a password should be unacceptable; the PTO rules out passwords on far broader criteria.

Here's how these pernicious policies interact. When a person can't log in, IdeaScale locks out the person after three guesses. If you request a "password reset" through a set of settings, the reset changes your password. To log in, you have to set a new password. But you **can't** set a new password because the "password reset" burned your once-per-24-hour opportunity. Effectively, the password expiration locks you out for 24 hours. Unless you give up (as I gave up 18 months ago) -- then these "Security Policies" accomplish their true goal. locking out a bug report in perpetuity.

Unless you find a back door.

No one is storing nuclear secrets in IdeaScale. Bugs don't arise every day; if things are working the way they're supposed to, one might only log in to IdeaScale less than once every few months, long after the password expired at 60 days. The objective fact is that the PTO had set the barriers around IdeaScale that are entirely out of proportion to the sensitivity of the data inside IdeaScale. The objective fact is that the PTO gives dismissive answers to most comments on IdeaScale, The objective fact is that the PTO imposes password rules that are specifically discouraged by NIST.

From those facts, I infer that the high barrier is entirely intentional. I infer that discouraging comments is a major purpose for setting the password rules as the PTO did. I infer that the PTO had zero intention of actually collecting comments, let alone acting on them. I infer that the cost-benefit of spending time developing a useful trouble report for IdeaScale did not warrant spending time on it. So I haven't. Until today, when I found a back door.

<https://pages.nist.gov/800-63-3/sp800-63b.html> ^

NIST Special Publication 800-63B

NIST Special Publication 800-63B

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7

3 ★ 3  



📌 Pinned by **eMod Moderator**

**eMod Moderator** 🍌 + 02/24/2023 10:01 AM (Last edited by **eMod Moderator** 02/24/2023 10:02 AM)

Moderator

Please report any errors found while filing your application to the Electronic Business Center. Due to security updates you may have experienced issues with your password. We apologize for any inconvenience this as caused.

👍 0 🗨️ 0



**Christian Schoiz** (@cschoiz) 🍌 + 03/28/2023 01:56 PM

OH MY GOD YES. The level of security that is employed on IdeaScale is beyond ridiculous. It is more stringent than what is required to log into Patent Center, for God's sake. And as David notes, IT'S JUST FOR REPORTING BUGS/FEATURE IDEAS.

I fully agree with David's sentiment--it's like the system is set up to discourage people from reporting bugs. It should instead make it *as easy as possible* for people to report bugs.

I will add to David's comment that it seems like the USPTO is rarely reviewing or responding to the feedback provided by users. For the most part, it seems like users are trying to provide valuable bug-reporting information that identifies actual (and often serious) issues in Patent Center. And then nothing happens.



**dratoff** (@dratoff1)



03/29/2023 12:18 PM



This is part of the cultural phenomenon of security inflation. Every website seems to think we need high security. What needs high security is: money, work, recovery accounts (email, phone, network, apple, etc.). Everything else should be optional high security.

## **Attachment 6**

**Letter to Acting Director Drew Hirshfeld of  
December 16, 2021**

## Seventy-four Members of the Patentcenter Listserv

By Priority Mail 9405503699300103672653

Drew Hirshfeld

Performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and  
Director of the USPTO

USPTO

P O Box 1450

Alexandria, VA 22313-1450

December 16, 2021

Dear Mr. Hirshfeld:

We write to you as members of the Patentcenter listserv. The Patentcenter listserv is a group of users of the Patentcenter system. Most of us are registered patent practitioners. The signers of this letter, either directly or through their firms or corporations, have paid over seventy-two million dollars to the USPTO in fees over the past ten years. The signers of this letter, either directly or through their firms or corporations, have prosecuted over one-half million US patents to issuance.

Some of the signers of this letter were, at the USPTO's invitation, beta testers of the USPTO's ePave e-filing system, and saw the complete failure of that e-filing system and USPTO's eventual abandonment of that e-filing system.

Some of the signers of this letter were, at the USPTO's invitation, alpha testers of the Patentcenter system upon its launch for alpha testing in 2018. We reported flaws and deficiencies in the Patentcenter system as it appeared in 2018. Other signers of this letter were, at the USPTO's invitation, participants in the private beta test of Patentcenter beginning in 2019, and reported additional flaws and deficiencies. We are disappointed to see that many of the flaws and deficiencies which we reported to the USPTO as long ago as 2018 remain outstanding in the system even now in December of 2021. The signers of this letter continue to report flaws and deficiencies in the Patentcenter system. We continue to be disappointed at the many flaws and deficiencies that remain outstanding in the system.

We are aware of the USPTO's view that its Ideascale system is supposedly a workable system by which users of Patentcenter could report flaws and deficiencies in Patentcenter, supposedly resulting in the USPTO correcting the flaws and deficiencies. This view on the USPTO's part is mistaken. We have reported many dozens of flaws and deficiencies to the USPTO through its Ideascale system from as long ago as 2018 to the present, and in almost no case has any such report resulted in the USPTO correcting the flaw or deficiency. Indeed it appears to us that the strongest indication of the USPTO's real handling of our reports of flaws and deficiencies in Patentcenter during the alpha test may be seen in the USPTO's having simply deleted all of the postings of the alpha testers from public view. It seems to us that the simplest and most accurate characterization of Ideascale is that "Ideascale is where good ideas go to die."

USPTO has also said repeatedly that the only other reporting path that it is willing to accept for flaws and deficiencies in Patentcenter besides Ideascale is the opening of trouble tickets with the Electronic Business Center ("EBC"). We have found the people at the EBC to be unfailingly polite and over the

past three years, they have methodically opened many dozens of trouble tickets at our request relating to bugs in Patentcenter. We understand that it is not the responsibility of the EBC itself to correct the bugs, but instead that the EBC passes along such trouble tickets to others at the USPTO. Our experience is that as a general matter, we do not hear back from anyone at the USPTO in response to most of the trouble tickets. Although a few of the bugs in Patentcenter which we have reported through the EBC have been corrected, the great majority of the bugs that we have reported through trouble tickets at the EBC have not been corrected. Most of the EBC trouble tickets have been outstanding for well over a year with no response from the USPTO and with the reported problem remaining uncorrected.

We have accumulated a list of Patentcenter trouble tickets on a web site. The number of trouble tickets by now exceeds seventy. We have accumulated a list of Patentcenter feature requests on the web site. The number of feature requests by now is at least forty. As best we can see, only at most about six of the trouble tickets have been cleared by the USPTO. Most of the trouble tickets have been outstanding for more than a year. As best we can see, not one of the feature requests has been implemented. In fairness to the USPTO, we have also accumulated a list of good things about Patentcenter, and this list is also provided on the web site. Nothing would delight us more than if this relatively short list could grow longer, perhaps in part as a result of future cooperation between the USPTO and our group of users of Patentcenter.

We find very discouraging the USPTO's repeated refusal to set up any path for two-way communication with our group of Patentcenter users despite our repeated requests over the past year and a half. USPTO regularly communicates in both directions with other groups of users, for example by sending people in person to meetings of the AIPLA and the ABA and INTA and IPO. You yourself recently went in person to attend a meeting of the AIPLA.

We ask that you do the following:

- Direct your Patentcenter developers to identify one or two people from their developer team to subscribe to the Patentcenter listserv to follow the postings. This might sometimes permit those people to pass things along from the listserv to appropriate colleagues on the Patentcenter developer team.
- Direct your developers to formally adopt the Patentcenter listserv trouble ticket page as a "to do" list for trouble ticket action by the developers.
- Direct your developers to formally adopt the Patentcenter listserv feature request page as a place for the developers to receive feature requests for Patentcenter.
- Direct your developers to report back to the people of the Patentcenter listserv each time the developers clear a trouble ticket, referencing the listserv trouble ticket number in the report.
- Direct your developers to report back to the people of the Patentcenter listserv each time the developers implement a feature request, referencing the listserv feature request number in the report.
- Direct your developers to cooperate with the people of the Patentcenter listserv by means of some periodic two-way communications by which the progress with trouble tickets and feature requests may be reviewed.

To summarize, it is clear to us that the USPTO is quite mistaken in any view that its two existing mechanisms (Ideascale and submission of EBC trouble tickets) have been or are satisfactory ways to get flaws and deficiencies in Patentcenter corrected. Some of the flaws and deficiencies which our people have reported to the USPTO through these two mechanisms as long ago as 2018 remain

uncorrected, and most of the flaws and deficiencies which our people have reported to the USPTO through these two mechanisms have been outstanding for well over a year. Those mechanisms just don't work.

If USPTO people can (and do) engage in two-way communication with other groups of practitioners and USPTO customers, then it seems to us that USPTO ought likewise to engage in two-way communication with our group of practitioners and USPTO customers. USPTO's goal of developing a new system (Patentcenter) that will provide all of the functions of EFS-Web and PAIR has a long way to go before it will achieve that goal, and this group was established specifically to assist the USPTO toward that goal. USPTO's goal of correcting flaws and deficiencies in Patentcenter is likewise far off, and this group was established specifically to help the USPTO with that goal as well. We hope the USPTO would realize that it can better serve its own goals by accepting our offers of help rather than by rebuffing them.

Respectfully submitted,



## **Attachment 7**

**Email to Director Kathi Vidal (Jun. 9, 2023)**

**Subject:** Please make a correction on the USPTO web site

**From:** Carl Oppedahl <carl@oppedahl.com>

**Date:** 6/9/2023, 2:17 PM

**To:** "Vidal, Kathi" <kathi.vidal@uspto.gov>

Hello Director Vidal. I write to you on behalf of the Patentcenter listserv, a community of over three hundred patent practitioners before the USPTO. On the USPTO web site at <https://patentcenter.uspto.gov/>, you say:

Patent Center has 100% of the functionality of EFS-Web, Public and Private PAIR, and is available to all users for electronic filing and management of patent applications.

This is flatly false. The true percentage might be 70% or so. Here are just a small fraction of the ways that Patent Center fails to have the functionality of EFS-Web and Private PAIR:

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## **Attachment 8**

**Letter to Director Kathi Vidal and Inspector  
General Peggy Gustafson (Sep. 29, 2023)**

## **One Hundred Seventy-Eight Members of the Patent Center Listserv**

By email and by Priority Mail 9405830109355026723875

Kathi Vidal, Director  
USPTO  
P O Box 1450  
Alexandria, VA 22313

By email and by Priority Mail 9405830109355026723868

Peggy Gustafson, Inspector General  
Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

September 29, 2023

Dear Director Vidal and Inspector General Gustafson:

This is an urgent matter for your personal attention. We write to ask that decommissioning of the USPTO's two main software systems for patent applicants, Private PAIR and EFS-Web, currently announced for November 8, 2023, be delayed until Patent Center is complete and robust. These software systems are the USPTO's primary interface, critical-path linchpins for the entire US patent system. This letter identifies a number of individual defects in the Patent Center software. The pattern of software defects suggests something larger and more important—defects in the USPTO's software development process. We suggest that the USPTO's current process trajectory cannot bring Patent Center to acceptable functionality or quality in six weeks. These issues require your personal attention, and cannot be delegated.

Regardless of what you may have been told, Patent Center is not working correctly and has not come close to replicating the functionality of the USPTO's current software systems, Private PAIR and EFS-Web, which it is supposed to replace. The shutdown of Private PAIR and EFS-Web (currently announced for November 8, 2023) will seriously hamper American inventors' and applicants' ability to file and prosecute patent applications before the PTO, causing potentially irreparable harm and loss of rights to American inventors and applicants across the spectrum.

In summary, and as explained in detail in this letter:

- Patent Center has long-known bugs that prevent certain kinds of filings.
- Patent Center does not replicate the functionality of Private PAIR or EFS-Web.
- Patent Center is unreliable and provides no backup (we rely upon Private PAIR and EFS-Web as the backup).
- Patent Center is not fully usable on all browsers.

- Patent Center’s design and implementation ignore the needs and requirements of actual users.

### **Who we are:**

The 178 signatories of this letter are patent attorneys, agents, and assistants who actually use Patent Center, Private PAIR, and EFS-Web in our daily work to represent patent applicants. Most of us are members of a group of users of the Patent Center system called the Patentcenter Listserv. The signers of this letter, either directly or through our firms or corporations, have in the past decade paid over ninety million dollars to the USPTO in fees. The signers of this letter, either directly or through our firms or corporations, have in the past decade prosecuted over one hundred thousand US patents to issuance.

### **Discussion:**

Our group alone has documented substantial failures, flaws, and omissions of essential functionality in Patent Center and has routinely provided the USPTO with this information. Rather than fix glaring problems and omissions, the USPTO has categorized most of them as “feature requests” and has not acted on most of them.

As described below, there are more than eighty such failure reports presently outstanding, any of which may prevent an applicant from making or completing a filing at the USPTO. There are more than forty “feature requests” presently outstanding, none of which the USPTO has acted upon.

We are astonished and concerned at the USPTO’s announcement on September 20, 2023 that the USPTO plans to shut down Private PAIR and EFS-Web on November 8, 2023. Shutting down the older, reliable Private PAIR and EFS-Web would leave the patent community with only the buggy Patent Center system. This would be a catastrophic mistake. As we will explain in some detail below, Patent Center is not even close to being a usable production system that would sufficiently fill the functions necessary for filing and prosecuting patent applications. Essential functions are not implemented in Patent Center, and many of the implemented features are unreliable. Our list of work-blocking bugs is at <https://patentcenter-tickets.oppedahl.com/> and a compilation of articles discussing the bugs is at <https://blog.oppedahl.com/?cat=21>. Patent Center may at some future date be ready for general release as a production system, but no amount of wishful thinking can support a conjecture that completeness and reliability will settle on Patent Center by November 8, 2023.

Many of us were signers of the letter dated December 16, 2021 from Seventy-Four Members of the Patent Center Listserv to Drew Hirshfeld about the unacceptable reliability of Patent Center as it stood in 2021. A copy is attached as [Exhibit A](#). Regrettably, the USPTO failed to respond meaningfully to that letter.

As we regularly communicate to Richard Seidel, Jamie Holcombe, and Greg Vidovich, we maintain a list of bugs in Patent Center that have blocked the ability to get necessary work done, <https://patentcenter-tickets.oppedahl.com/>. The number of outstanding Patent Center work-blocking bugs presently exceeds eighty. Though the USPTO has made some progress over years, many work-stopping bugs remain unaddressed, and many of them have been outstanding for more than a year. We also maintain a list of Patent Center feature requests on the web site. The number of feature requests presently exceeds forty. As best we can see, the USPTO has not implemented even a single one of the

feature requests. We have also accumulated a list of good things about Patent Center, and this list is also provided on the website. Nothing would delight us more than if this relatively short list of good things could grow longer, perhaps in part as a result of future cooperation between the USPTO and our group of users of Patent Center.

The USPTO must do several things immediately to avoid significant harm to American inventors, applicants, and the patent community.

- The USPTO should immediately publish a notice retracting the November 8 date for the shutdown of Private PAIR and EFS-Web. In the past, the USPTO has waited until the last minute (as little as 3 days) to announce delays of harmful or ill-advised software changes. That kind of abrupt stop/start imposes substantial costs on the patent community. The probability that Patent Center can achieve acceptable feature completeness, let alone reliability, by November 8 is zero. It is unfair to applicants to ask them prepare for a conversion that cannot possibly go smoothly, only to retract it when reality breaks through at the eleventh hour to those to whom reality is a threat. The retraction should be immediate. Private PAIR and EFS-Web should not be decommissioned until a consensus of users says Patent Center is ready. Based on the USPTO's consistent and demonstrated lack of willingness to correct serious bugs that, absent the availability of Private PAIR and EFS-Web, could easily cause applicants to lose rights, it seems that USPTO staff do not have a sound understanding of what is important and do not have the ability to set exit criteria wisely, and to the degree we can observe, don't maintain a reliable bug tracking system to know when those exit criteria are met. To say this as clearly as possible, given that somebody within the USPTO reached the view that Patent Center was ready to replace Private PAIR and EFS-Web, but was completely wrong to think so (and actually selected shutdown dates for the existing systems), this means that the USPTO cannot be trusted to decide this important thing. It is the users who actually know how to figure out whether Patent Center is ready to replace Private PAIR and EFS-Web, and you are hearing from users now. Any eventual shutdown of Private PAIR and EFS-Web needs to be scheduled only in consultation with users. One way to measure how close the Patent Center developers are to being able to shut down Private PAIR and EFS-Web will be to look at the bug list at <https://patentcenter-tickets.oppedahl.com/> and to see whether all of the "Open Issues" bugs have some day been reclassified as "Resolved Issues".
- The USPTO should resume regular meetings with members of the Patent Center listserv to discuss the outstanding Patent Center defects and Patent Center feature requests. We requested this in our December 16, 2021 letter to Mr. Hirshfeld. On July 11, 2023 we sent an email to Assistant Commissioner Greg Vidovich, identifying at least five bugs that block applicants' ability to get their work done. A copy of that email is attached as [Exhibit B](#). We did not hear back from him. We sent a reminder to Mr. Vidovich about this by email and voicemail message on September 18, 2023. Even after these reminders, we still did not hear back from him. We look forward to your arranging for the USPTO to resume these regular meetings with us.

The USPTO has claimed that "Patent Center has 100% of the functionality of EFS-Web, Public and Private PAIR." This is false. We wrote to you in an email message dated June 9, 2023, giving eleven examples of functions in Private PAIR and EFS-Web that Patent Center did not fully provide. A copy of that email is attached as [Exhibit C](#). We did not hear back from you in response to that email message. At least nine of those failings remain outstanding today.

If the only failings of Patent Center were that it has many bugs (which it does) and that it fails to provide 100% of the functionality of Private PAIR and EFS-Web (which indeed it fails to do), those failings alone would mandate a deferral of the shutdown of Private PAIR and EFS-Web. But it is worse than that. Many recent software updates to Patent Center have made things worse instead of better and suggest to us (many of whom have substantial experience with sophisticated software) that the PTO's software development processes are probably less than adequate. We can always tell when a new version of Patent Center software is released — over the course of the next two or three days, members of our email listservs alert each other to the new bugs that have been introduced into the system. To give just a few examples:

- The Patent Center software updates of March 17, 2023, gave rise to degradations or failures of several functions, as detailed in trouble tickets [CP104](#) (outgoing correspondence table lists “page 2 of 1”), [CP105](#) (restfulness failure for important links), [CP109](#) (responsiveness failure for correspondence table page), [CP110](#) (column sorting in tables becomes inconsistent from one table to the next), [CP113](#) (system-generated file names for “print to PDF” versions of important pages were previously distinct and thus useful but are now identical and thus useless) and [CP114](#) (PCT application number which could previously be copied and pasted is now impossible to copy and paste).
- A Patent Center software update on about September 15, 2023, deleted the ability of a user to see the customer's docket number in displayed lists of applications. As you might guess, almost all patent practitioners track applications by their own docket number, not the USPTO's application number, so this makes several aspects of Patent Center all but useless. This has been broken and corrected before (trouble tickets [CP90](#) and [CP91](#), January 17, 2023; trouble ticket [CP108](#), March 19, 2023; trouble ticket [CP148](#), August 28, 2023), and now it is broken again (trouble ticket [CP151](#), September 18, 2023) — which suggests that Patent Center's software testing processes are probably inadequate. In a USPTO Patent Center webinar training event on September 19, 2023, the USPTO presenter admitted this bug and said it would not be corrected until “sometime in October.”
- A Patent Center software update on about September 20, 2023, broke the application data display for every US design patent application that is a US designation from a Hague application (“35-series applications”) so that the “International Registration Number (Hague)” information is incorrect. Patent Center now lists only incorrect information in this field. The only way to get accurate information for this field is to use the system scheduled to be shut down on November 8, 2023 – Private PAIR. This is trouble ticket [CP155](#).

As mentioned above, many important features required for the filing and prosecution of patent applications are either missing from Patent Center, or have work-blocking bugs:

- EFS-Web correctly checks for possible duplicate national-stage entry attempts from a single PCT application. Patent Center fails to do so. This is trouble ticket [CP99](#).
- EFS-Web correctly permits uploading of sequence listings in ST.25 format. Patent Center fails to do so. This is trouble ticket [CP153](#).



- For a US design patent application that is a US designation from a Hague application (a “35-series application”), Patent Center fails to provide the web-based Corrective ADS function. This is trouble ticket [CP101](#).
- For a US design patent application that is a US designation from a Hague application (a “35-series application”), Patent Center fails to provide the web-based Issue Fee payment (Form 85B) function. This is trouble ticket [CP49](#).
- Patent Center fails to provide the web-based Corrective ADS function for a US national-stage entry from a PCT application. This is trouble ticket [CP102](#).
- Patent Center fails to provide the web-based Corrective ADS function for a provisional patent application. This is trouble ticket [CP98](#).
- The “sponsorship” feature that allows attorneys and their assistants to hand work back and forth works for some tasks, but not for other tasks.

Patent Center is dependent on other failure-prone components. All too often in recent months, Patent Center has been (for practical purposes) unavailable for periods of time during peak working hours because some other component (for example the fee payment system or the system for authenticating user logins) is down. There have been times when EFS-Web is still up and working when Patent Center is down; given the absence of a contingency backup for Patent Center, EFS-Web is still needed.

As we told the USPTO in our December 16, 2021 letter to Drew Hirshfeld, the PTO’s bug reporting software, IdeaScale, fails at its purported purpose. It is absurdly difficult to use, having remarkably and needlessly stringent password rules, 24-hour lockouts, and the like. If a user does succeed in getting a bug reported, the human response from the USPTO is often dismissive — USPTO staff close bugs as “not reproducible” without ever contacting the reporting party, staff notes in IdeaScale mischaracterize the bug in ways that ensure it will never be addressed, and other utter non sequiturs are common. Both the software and human components of the USPTO’s defect tracking systems seem intentionally designed to discourage reporting of bugs, and to avoid surfacing crucial information up the reporting chain. Among patent practitioners, IdeaScale is often accurately characterized as “where good ideas go to die.” (If your staff are telling you that there is a low rate of defect reporting, we suggest that that is more likely the product of sample bias than genuine software quality.) Reporting of Patent Center bugs to the Electronic Business Center is no better. We have opened many dozens of EBC trouble tickets for work-blocking bugs in Patent Center, as detailed at <https://patentcenter-tickets.oppedahl.com>, and we have never heard back from the EBC about the disposition of even a single ticket.

Patent Center is not fully usable on all screen sizes and browsers or computer systems. On our email listservs, there are frequent comments from users who are unable to use Patent Center on one or other browser or computer system. The observable behavior suggests deficiencies in the USPTO’s testing procedures — failure by USPTO people to test using computer systems, browsers and screen sizes that are actually used by many users.

Considering the many recent times that the USPTO’s efforts to update the Patent Center software have made things worse instead of better, we worry that even if the USPTO were to intensify its efforts during the next few weeks to correct the many dozens of outstanding Patent Center trouble tickets, the

likelihood is that, as in the past, the intensified pace of software changes will introduce even more new bugs and defects between now and November 8, 2023. This is yet another reason to defer the planned shutdown of Private PAIR and EFS-Web.

A number of signatories of this letter have conducted pre-release readiness reviews for their own software projects, some for software used by Boeing to design passenger aircraft. We suggest we may be able to assist the Patent Center developers in improving the USPTO's engineering, quality, and readiness review process.

USPTO's goal of developing Patent Center to provide all of the functions of PAIR and EFS-Web is still a long way off. Our listserv was established, first, for users to warn each other of bugs and secondarily, to gather intelligence to assist the USPTO toward a Patent Center that gets the necessary job done. USPTO's goal of correcting the outstanding flaws and deficiencies in Patent Center is likewise a long way off. This goal of the USPTO is stymied by the reluctance of the USPTO's software staff to receive and use the information we offer to them. We hope the USPTO would realize that it can better serve its own goals by accepting our offers of help rather than by rebuffing them. Let's work together in the coming weeks and months on our shared goals for Patent Center.

To reiterate, this is an urgent matter. Patent Center is not working correctly and has not come close to replicating the functionality of Private PAIR and EFS-Web. The USPTO's current software processes cannot bring Patent Center to an acceptable level of functionality and reliability on the time set by the USPTO. The planned shutdown of Private PAIR and EFS-Web will seriously hamper American inventors and applicants' ability to file and prosecute patent applications before the PTO, causing potentially irreparable harm and loss of rights to American inventors across the spectrum.

Deliverables may be emailed to, and questions may be directed to, Carl Oppedahl, [carl@oppedahl.com](mailto:carl@oppedahl.com), at +1-303-252-8800.

Respectfully submitted,



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