

The John Doll Era Begins at USPTO

Written by [Gene Quinn](#)
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There have been many rumors about the impending resignation about Jon Dudas, the Undersecretary of Commerce for Intellectual Property appointed by President Bush in 2004. [Patently-O announced](#) on January 6, 2009, that Dudas would be stepping down by mid-January, which does not appear to have happened. What is clear, however, is that President Obama has not yet chosen a new Intellectual Property Czar, known to those in the industry as the Director of the United States Patent & Trademark Office. At least [one report claiming inside information](#) from sources at the Patent Office says that Obama may not make an appointment to this critical position for up to 12 months, meaning that the

person leading the USPTO will be none other than John Doll. This ought to send shivers down the spine of every patent attorney, patent agent and patent applicant. It is Doll who was reportedly spearheading much of the now failed patent reform efforts, such as the claims and continuations rules. This would be the worst possible outcome, and does not bode well for the patent system.

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Patently-O says that “Doll is a career PTO official and already fully understands the system and the role of the PTO director.” Personally, I would have to say that only the first 6 words of this sentence are correct. It is true that John Doll is a career PTO official, but I don't know any patent attorneys or agents that would say that he understands anything about the patent system, let alone fully understanding the system. Given that he has been tied to the hip of Jon Dudas for so long, getting promoted every few months and given more responsibility under Dudas, it is hard to imagine that he really understands the role of the PTO Director either. The first role of the PTO Director ought to be to do no harm, and to actually work to improve the system. Under the leadership of Dudas and Doll the pendency of patent applications has skyrocketed and politically expedient objectives have been put in place so as to be able to go before Congress and congratulate “successful” efforts to improve the patent system.

In reality, I would place far more of the blame on John Doll than I would Jon Dudas. Certainly, Dudas was the top man in charge and as Harry Truman famously said “the buck stops here.” But Dudas had absolutely no experience with patents on any level. The fact that he could be appointed to such a critical position within the industry is alarming in and of itself, but at times picking on Dudas has almost seemed as mean and unsatisfying as picking on the village idiot. The truth is that Dudas was thrown into the deep end, way over his head and never really appreciated what it is that the patent system is about and how it ought to function. His primary failing was that he listened to the wrong people and promoted them over more qualified individuals who truly understood the patent system and what it needs to become to service the demands of the industry. Chief among those who Dudas listened to was Doll and it is terrible to think that he might actually run the USPTO for even a day let alone 12 months.

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While Dudas didn't know any better and pursued failed initiatives, bi-lateral agreements, tri-lateral agreements and photo opportunities, it is John Doll who we really ought to be upset with because he should know better. Doll joined the Patent and Trademark Office in 1974 as a Patent Examiner and was promoted to Primary Examiner in 1979. He then proceeded to rise through the ranks to Commissioner for Patents, then he became the replacement for Margaret Peterlin (another appointee with absolutely no patent experience) when she stepped down as Deputy Under Secretary of Commerce for Intellectual Property, and now with the departure of Jon Dudas, on Tuesday, January 21, 2009, John Doll will become the Acting Director of the United States Patent & Trademark Office. Someone who has been a part of the Patent Office since 1974 and worked in a number of hands-on and policy positions it is Doll who should know better than to pursue ridiculous plans that would only harm the patent system. How is it that someone so closely tied to the abysmal failures of the Dudas Administration could rise to the point of leading the Patent Office?

But wait, it gets better. If you read **John Doll's executive biography** on the USPTO website it says:

In this role he advises the President, the Secretary of Commerce, and the Administration about intellectual property matters. As Deputy Director of the USPTO, he administers the laws of granting patents and trademarks, and the day-to-day management of the \$1.8 billion agency and its more than 9,500 employees.

As a leader in intellectual property (IP) policy, Mr. Doll helps develop and articulate Administration positions on all patent, copyright, and trademark issues, both domestic and foreign. He also promotes strong IP policy globally, including strategies to thwart the theft of U.S. IP around the world. As an agency leader, Mr. Doll implements policies and initiatives that provide innovators with quality and timely patent and trademark examinations. He also provides strategic leadership to employees to help them achieve organizational excellence.

I feel almost sick to my stomach. Dudas sticking around for another 12 months would have been better than John Doll taking over at the Patent Office.

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It probably comes as no surprise to anyone to learn that I am not exactly in tight with the Obama transition team, but I know there are patent attorneys out there who are close to the Obama transition team. Regardless of whatever your political preference we all should be able to agree that the Patent Office needs help and waiting 12 months is not an option. If you have any ability to get word to the Obama transition team take this opportunity to let them know that the appointment of a competent Undersecretary of Commerce for Intellectual Property is not an appointment that can wait. Change is needed in the worst way and before it is to late.

About the Author



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Gene is a US Patent Attorney, Law Professor and the founder of IPWatchdog.com. He teaches patent bar review courses and is a member of the Board of Directors of the United Inventors Association. Gene has been quoted in the Wall Street Journal, the New York Times, the LA Times, CNN Money and various other newspapers and magazines worldwide

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1. anonymous [January 23rd, 2009 4:13 pm](#)

True, true, all the rumors are true:

<http://www.nipra.org/uspto2.jpg>

2. Leslie Peralta [January 29th, 2009 9:30 pm](#)

You could not be more correct. And this is a man who hates all things business methods. He is a dinosaur, caused the Bilski controversy, and if he had his way would “overturn” State Street today. He is entirely unqualified to lead that office. We need a modern thinking individual who observes the patentability of novel physical articles and discoveries, but on balance — and in this electronic commerce age — lives and thinks in the 21st century as well. He is also no lawyer, understands nothing about what the Congress intended as to the full spectrum of all things patentable, and should cease immediately attempting to discourage and harm business method patents. His bias in that respect, and toward the scientific invention only, is palpable, and accordingly renders him, again, entirely unfit for the position.

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