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United States
General Accounting Office
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Information Management and
Technology Division

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July 20, 1992

The Honorable Dennis DeConcini
Chairman, Subcommittee on Patents, Copyrights
and Trademarks
Committee on the Judiciary
United States Senate

On May 12, 1992, we testified before your Subcommittee on the Patent and Trademark Office's (PTO) effort to develop its Automated Patent System (APS). On June 17, 1992, you requested our response to supplemental questions for inclusion in the hearing record. We are providing the following information under the two topics that your questions address: (1) PTO's compliance with the CD-ROM demonstration program mandated by the Patent and Trademark Office Authorization Act of 1991 (P.L. 102-204), and (2) PTO's efforts to disseminate patent information to the public.

PTO'S PROGRESS IN COMPLYING WITH
MANDATED CD-ROM DEMONSTRATION PROGRAM

The Patent and Trademark Office Authorization Act of 1991 requires the Commissioner to establish, no later than January 1, 1992, a demonstration program making patent information available to the public on CD-ROM discs. These discs are to be available for purchase through October 1, 1992, and are to include information on selected subclasses of U.S. patents, as determined by the Commissioner.

The Congress' goal in mandating the demonstration project was to determine the level of demand for patent information provided on CD-ROM. The legislation also requires the Commissioner to report to the Congress on the implementation of this program 1 year from the date the law was enacted.

In a November 1991 Senate report,¹ the Committee on the Judiciary specified that PTO's report to the Congress assess the level of demand for the product; the appropriateness of CD-ROM technology for disseminating patent information; and

¹ Senate Report No. 102-245, November 26, 1991.

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the prospective cost and time frame for implementing a full-scale public dissemination program

Question: Do you think PTO is making a good faith effort to comply with the CD-ROM demonstration project mandated by last year's authorization?

PTO appears to be making a good faith effort to establish the program. PTO began working on the demonstration project in January 1992 and plans to report on the results of the project by November 1992.

PTO has worked closely with the American Intellectual Property Law Association (AIPLA) to define the technology sets of patent information that would be of most interest to a broad range of patent information users, yet be containable on a small number of discs per set. AIPLA represents the views of a large segment of the user community. At the suggestion of AIPLA, PTO added text search capability to the discs--a capability not required by the law. AIPLA believes this capability will make the product more useful.

PTO has solicited the assistance of AIPLA in advertising the demonstration program. PTO has provided AIPLA with an announcement of the program for distribution to its approximately 6,300 members. The program has also been advertised in PTO's weekly Official Gazette since May 1992. In addition, PTO plans to provide copies of the discs to the 74 Patent and Trademark Depository Libraries.

Two classified sets, representing selected technological groups, were selected for the project. These include Genetic Engineering, as defined by Class 935 and Class 435, subclass 172.3; and Acid Rain, as defined by Class 55, subclass 73 and Class 423, subclasses 220-234 and 242-244. These sets contain: (1) current classification information, (2) full images for all patents in the set, and (3) full text for those patents since 1971 that have text available in searchable electronic format.

Although PTO appears to be making a good faith effort to comply with the law, it is experiencing problems that have delayed the availability of the CD-ROM discs. Reasons for the delay include the time required to select the technology sets and to extract patent data from the 5.4 million records contained in PTO's automated image database.

As of July 6, 1992, the discs were not yet available for purchase by the public. PTO expects to have both technology sets available for distribution by the end of July. Because the demonstration period is to end October 1, 1992, we are concerned that the test period will be too short to provide sufficient information to evaluate the CD-ROM demonstration.

In October 1992, PTO plans to survey customers to evaluate the demonstration program. Again, because the length of the test period will be short, PTO may not obtain a sufficient number of user responses to properly evaluate the program. Also, PTO would have less than 3 months to receive and analyze user responses in order to meet the December 1992 reporting requirement. As of July 6, 1992, PTO has not yet finalized questions for its user survey, which will require approval by the Office of Management and Budget. PTO is hoping to complete the survey form by the end of August 1992.

Because of the delays in implementing the program, the Subcommittee may wish to extend the demonstration program to allow PTO to collect enough information to fairly assess the appropriateness of CD-ROM technology for disseminating patent information.

Question: Do you think the test project will yield useful information about what kinds of formats and methods of organizing patent information are most useful to the public?

The demonstration project will not yield information useful in determining what kinds of formats and methods of organizing patent information are most useful to the public. PTO believes the law only requires the agency to determine the usefulness of CD-ROM technology to disseminate patent information. Although the formats and methods of organizing and searching data directly affect the utility of the CD-ROM technology and although PTO has already added text search capability to the discs in response to users' suggestions, the agency does not plan to collect information about different formats and methods of organizing patent information. The agency also does not plan to collect information to identify and evaluate alternative formats and methods for organizing patent information. If the Subcommittee wants PTO to consider alternative formats and methods of organizing patent information, the Subcommittee may wish to direct PTO to broaden the current demonstration program.

PTO'S EFFORTS TO DISSEMINATE PATENT
INFORMATION TO THE PUBLIC

In February 1989, PTO adopted its current mission statement--to promote industrial and technological progress in the United States and strengthen the national economy. The dissemination of patent information to the public was listed as one of the ways to accomplish this mission. In its Long-Range Plan, Fiscal Years 1993-1997, dated March 1992, PTO states that information dissemination represents one of its major functions. The Assistant Commissioner for Public Services and Administration and the Assistant Commissioner for Information Systems are both responsible for disseminating information to the public. The Office of Information Systems designs and distributes information in electronic form. The Office of Public Services and Administration administers the Public Search Room and the Patent and Trademark Depository Library Program, and responds to requests for copies of patents. Both offices have restructured and renamed several of their offices to highlight the importance of dissemination.

In its long-range plan, PTO recognizes the increasing demand from the patent user community for more access to PTO data. PTO also recognizes that the automation of its patent information and processes can provide more timely, convenient, and remote access to patent information, particularly to those outside of the Washington, D.C., area.

Question: As you note in your remarks, one of PTO's primary goals in automating is to facilitate public access to patent information. Do you think the Office is having much success in achieving that goal?

PTO has been working to use automation to facilitate public access to patent information. In April 1989, PTO first provided public access to the APS text search system in the Public Search Room. In October 1990, PTO installed an image workstation in the Public Search Room to demonstrate the image capability to the public. In addition, since August 1991 PTO has initiated three projects designed to identify and evaluate how automation can facilitate remote public access. However, because PTO has not completed these projects, there is no information available on how successful these efforts have been in improving the public's access to patent information. These three programs, as well as other planned automation activities related to public dissemination, are discussed below.

Access to APS Text Search System at Libraries. In August 1991, PTO began a 1-year pilot project to provide on-line access to the APS text search system at 14 Patent and Trademark Depository Libraries across the country. During this pilot, full-text patent search capability is made available to the public at no charge. PTO is currently evaluating survey responses obtained from public users and library staff at the 14 libraries. It is also considering how best and when to begin installing the text search capability at the remaining 60 libraries. Installation could begin as early as Fall 1992. However, several issues have to be resolved, including (1) addressing the libraries' concerns over collecting fees for using the system, and (2) making sure librarians and patrons have the necessary support from PTO to effectively use the system.

PTO hopes the experience gained from the pilot and the deployment to the other Patent and Trademark Depository Libraries will help it determine how to provide on-line access to customers in their homes and offices. Because PTO has not completed its evaluation of the pilot or finalized its plans for providing access to the remaining libraries, we cannot determine the effectiveness of this project in facilitating public access to patent information.

Access to APS Text Search System at Federal Agencies. In June 1992, PTO provided on-line access to its text search database system to two federal agencies--the Department of Agriculture and the National Institutes of Health. This access is expected to support these agencies' research activities. PTO believes the project will also provide information useful for developing a strategy to provide remote access to the general public.

Electronic Bulletin Board. In October 1991, PTO began testing an automated bulletin board containing information on patents issued each week that could be accessed by anyone using a personal computer. As of June 1992, PTO was evaluating the usefulness of this service.

Projects Under Consideration. In addition to the three projects underway, PTO is considering other automation projects for dissemination of patent information. These are:

- A project to examine the benefit of providing remote on-line access to the agency's Classified Search and Image Retrieval system. This system allows users to search and retrieve images of U.S. patents.

- A project for issuing weekly CD-ROM discs containing the images of patent information in numeric order. PTO is developing a request for proposals for producing the CD-ROM discs. The agency expects to award a contract for this project in March 1993.

Question: Could you give us GAO's opinion, if any, of how PTO might better achieve its goal of public dissemination?

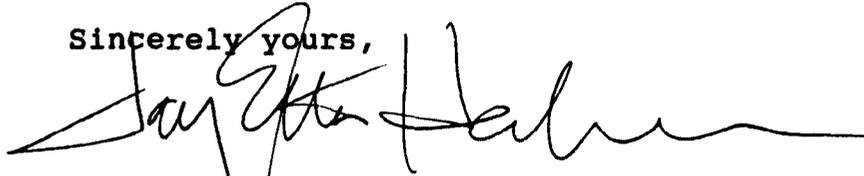
We are not in a position to determine how PTO might better achieve its goal of public dissemination because PTO projects are not far enough along to allow them to be evaluated. Also, these activities are fragmented and not adequately documented. Currently, two offices at the Assistant Commissioner level share responsibility for information dissemination; no one office is responsible for coordinating individual dissemination activities. Also, PTO does not have an overall dissemination plan that clearly defines the goals and objectives to be achieved; how individual projects will help to achieve them; and the personnel, equipment, and financial resources needed to accomplish them within established milestones.

The Subcommittee may wish to direct PTO to provide an overall dissemination plan that (1) defines goals and objectives; (2) indicates how individual projects will help meet the goals and objectives; and (3) identifies the needed personnel, equipment, and financial resources to accomplish them.

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We appreciated the opportunity to testify before the Subcommittee and to provide this information for the record. If you have any further questions, please call me at (202) 512-6416.

Sincerely yours,

A handwritten signature in black ink, appearing to read "JayEtta Hecker". The signature is fluid and cursive, with a long horizontal stroke at the end.

JayEtta Z. Hecker
Director, Resources, Community, and
Economic Development Information Systems

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