

Attorneys hope reform measures will ease patent backlog

Process has already sped up a bit, but agency still slow to review applications

By [Jared Kaltwasser](#)

The word “innovation” connotes a fast-paced, rapidly changing business landscape, but the process of securing protection for innovation is decidedly slow.

Jeffrey M. Weinick, a member at Wolff & Samson P.C., said the backlog at the U.S. Patent and Trademark Office is a significant hurdle. Right now, Weinick said his firm is doing a lot of work with computer, Internet and data networking inventions. Those companies must brace for a long wait, he said.

"Cases where we'll file a patent application today, it could be two to three years before we hear back from the office the first time," he said.

Weinick said it can take three to five years to get a patent issued — a major disadvantage in the fast-moving world of high technology.

Andrea Hence Evans, an IP attorney and former patent examiner, said the problem generally is tied to resources.

"Simply put, the backlog is directly affected by the number of patent examiners the patent office has," she said. "The benefit of having this new (America Invents Act) law, in effect, is it's supposed to simplify the patent system and create harmonization, so we're looking at everything in a transparent fashion."

As of September, the patent office had a backlog of 608,000 unexamined patent applications. That number has gone down in recent months, as the patent reform law allowed for additional funding to process patent applications. Over the summer, the patent office also announced the creation of four new satellite offices, which the agency says will also help reduce the backlog.

Weinick said there's also a "priority examination" system that allows applicants to pay more in order to get a quicker response. He said that doesn't help the backlog, but it does allow a pathway to hurdle the backlog if applicants are willing to pay extra fees.

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