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January 30, 2011

VIA ELECTRONIC MAIL (azam.khan@uspto.gov)

Mr. Azam Khan
Deputy Chief of Staff
United States Patent and Trademark Office
Mail Stop Office of Under Secretary and Director
P.O. Box 1450
Alexandria, VA 22313-1450

RE: Docket No. PTO-C-2011-0066: Additional USPTO Satellite
Offices for the Nationwide Workforce Program

Dear Mr. Khan:

I am writing on behalf of the Houston Intellectual Property Law Association (“HIPLA”) in response to the Request for Comments on Additional USPTO Offices for the Nationwide Workforce Program to recommend that Houston, Texas be considered as a satellite office location.

HIPLA is an association of over 500 lawyers and other professionals who work in the Houston, Texas area. The practice of the HIPLA membership relates in substantial part to the field of intellectual property law. Founded in 1961, HIPLA is one of the largest regional associations of intellectual property practitioners. HIPLA has a very active bar, and its activities include monthly lunch CLE programs, an Annual Institute on Intellectual Property Law co-sponsored with the University of Houston Law Center, an annual Federal Judges dinner, a judicial fellowship program, an outstanding inventor of the year award, a student scholarship program, among other activities.

Houston is the fourth largest city in the country and the largest city in the state of Texas. The Houston area boasts major universities, including the University of Houston, Texas A&M University, Rice University, the University of St. Thomas, and Texas Southern University. In addition, the area includes three law schools, including the University of Houston Law Center, South Texas School of Law, and Texas Southern University Thurgood Marshall School of Law. The University of Houston Law Center includes its nationally ranked Institute for Intellectual Property & Information Law. Also, Houston is home to an internationally renowned

medical center, including the Baylor College of Medicine, The Methodist Hospital, Prairie View A&M University, College of Nursing, Texas A&M Health Science Center, Texas Heart Institute, Texas Southern University College of Pharmacy & Health Sciences, Texas Woman's University Institute of Health Sciences-Houston, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, Brown Foundation Institute of Molecular Medicine for the Prevention of Human Diseases, and The University of Texas M. D. Anderson Cancer Center. These academic institutions generate a large volume of graduates with advanced science degrees who would qualify well for PTO examiner positions.

The Houston area is also home to many science and engineering-related businesses, in addition to its impressive medical community, including being a hub for the energy industry. Of course, NASA's Johnson Space Center and related space and exploration companies and contractors also are located in Houston. Companies having a major presence in Houston include the following: Apache Corporation, Baker Hughes Incorporated, BMC Software Inc., BP plc, Calpine Corporation, Cameron International Corporation, CenterPoint Energy, Inc., Chevron Corporation, ConocoPhillips, Cooper Industries plc, Cyberonics Inc., Daewoo Shipbuilding & Marine Engineering Co., Ltd., Diamond Offshore Drilling Inc., Dow Chemical Company, Dresser-Rand Group Inc., El Paso Corporation, Enbridge Energy Partners LP, ExxonMobil, FMC Technologies, Inc., FTI Consulting, Inc., Halliburton Company, Helix Energy Solutions Group, Inc., Huntsman International LLC, ION Geophysical Corporation, KBR, Inc., Key Energy Services Inc., Kinder Morgan, Inc., Kraton Performance Polymers Inc., Linn Energy, LLC, Marathon Oil Corporation, McDermott International Inc., National Oilwell Varco, Inc., Noble Energy, Inc., Oasis Petroleum Inc., Occidental Petroleum Corporation, Oceaneering International, Inc., Quanta Services, Inc., Rosetta Resources, Inc., Rowan Companies Inc., Shell Oil Company, Schlumberger Limited, Service Corp. International, Southwestern Energy Co., Spectra Energy Corporation, Swift Energy Co., Sysco Corporation, Transocean Ltd., Waste Management, Inc., Weatherford International Ltd., and Westlake Chemical Corporation.

As of 2011, fifty-one Fortune 500 companies were located in Texas, with twenty-three of those companies located in the Houston area.¹ As can be seen from data from the Greater Houston Partnership,² the Houston area has a strong economy and its cost of living is the lowest of major metropolitan areas.³ Houston includes two major commercial airports, George Bush Intercontinental Airport ("IAH") and William P. Hobby Airport, and serves as a hub for both United Airlines and Southwest Airlines, respectively. IAH currently ranks third in the United States (behind only O'Hare and Hartfield) for non-stop domestic and international service with 182 destinations served.⁴ Hobby airport offers non-stop service to 87 cities.⁵ This greater access for examiner interviews makes Houston a more desirable location than non-hub cities.

¹ See <http://money.cnn.com/magazines/fortune/fortune500/2011/states/TX.html>

² See www.houston.org/pdf/research/eag.pdf

³ See <http://www.houston.org/living-here/cost-of-living/index.aspx>

⁴ http://en.wikipedia.org/wiki/George_Bush_Intercontinental_Airport

Along with its robust businesses and educational institutions, Houston also is a hub of the intellectual property community. Houston has more patent practitioners than any other city in Texas, including 1143 registered patent attorneys and agents. Rice University is home to a Patent and Trademark Resource Center. As a result of Houston's thriving businesses and educational base, it also generates a significant number of patent filings and issued patents. A search of the USPTO database of patents issued to Houston-area based inventors or assignees in the past five years (from January 1, 2007 through December 31, 2011) totals 25,661.⁶ If other neighboring cities are included in this search, the number would likely be even larger. Of course, Houston is conveniently located to other cities in Texas, including Dallas, Austin and San Antonio, and would be easily accessible to those cities among others should a satellite office be located in Houston.

Below we address the specific items enumerated in the Request for Comments:

(1) Increase outreach activities to better connect patent filers and innovators with the USPTO, including the number of patent filings and grants by the city/region as well as other information that provides insight into the region's innovation activity;

As noted above, Houston is well situated to better connect patent filers and innovators with the UPSTO. There a significant number of businesses and educational and research institutions located in the area. In addition, as noted above, Houston has a sizable number of registered patent attorneys and agents in the area, making Houston an attractive satellite office location. Unlike many other cities, Houston is an international hub for particular areas of technical innovation – the oilfield services and petrochemical industries. This concentration would provide the PTO and the research community a direct focal point for communications related to these significant industries. This contrasts with other high-tech industries that are scattered throughout many geographical centers, and for which no clear focal point for communications exist. For example, every year Houston hosts the Offshore Technology Conference, which is among the 10 largest meetings nationally in terms of attendance, consistently exceeding 50,000 attendees from more than 2,000 companies representing more than 110 countries.⁷

With over 25,000 patents issuing to Houston-area based inventors or assignees over the past 5 years, and over 25,000 patent applications being filed from July 1, 2005 through June 30, 2010,⁸ the Houston area is a center for innovation. Indeed, HIPLA's Outstanding Inventor of the Year Award recipients typify some of the outstanding innovation in the area. Those award recipients include:

⁵ http://www.tripadvisor.com/Flights-g56003-Houston_Texas-Cheap_Discount_Airfares.html

⁶ This number is based on the searches of the USPTO database shown in Attachment A.

⁷ <http://www.otcnet.org/pages/about/>

⁸ A search of the USPTO application database totaled 25,661 applications based on the searches shown in Attachment A.

- 1983 MAXIME A. FAGET for Space Vehicle Systems;

 CHARLES HOMSY for Medical Implant Material; and

 ROBERT B. KINSBACK for Oil Tools and Drilling Technology
- 1984 ROBERT J. LOOFBOURROW for Seismic Data Recording and Acoustical
 Logging Fields
- 1985 GEORGE C. BALLAS for Weed Eater
- 1986 ROMAN F. ARNOLDY for Bulkwelding Process; and

 CLAUDE E. COOKE for Hydraulic Fracturing with Bauxite Propping Agent
- 1987 BENJAMIN P. NUTTER for Drill Stem Testing
- 1988 CARL H. SAVIT for Telemetry of Seismic Data
- 1989 HERBERT ALLEN for Screwpull® Cork Extractor
- 1990 FRANCIS P. McCULLOUGH, JR. for Curly Carbonaceous Fibers for Insulation
- 1991 ERWIN F. HILL for Grayloc® Connector; and

 JACK C. KINLEY for Kinley Caliper
- 1992 JAMES J. TODACK for Portable Refrigerant Recovery and Reclamation System
- 1993 ARTHUR HERMAN HALE and KENNETH MICHAEL COWAN for
 Conversion of Drilling Fluids to Cements with Blast Furnace Slag
 PAUL CULLEY for Extended Industry Standard Architecture Shadow RAM
- 1994 LAWRENCE A. SMITH, JR. for Catalytic Distillation
- 1995 DR. JONATHAN OPHIR for Method of Generating Elastographic Images of Soft
 Tissue In Vivo
- 1996 DAVID A. WILSON for Advanced Chelation Technology
- 1997 RONALD E. PRINGLE for Rod Piston Subsurface Safety Valve

- 1998 DENTON A. COOLEY, M.D. for inventive contributions in the area of equipment for use in heart surgery and other types of surgery.
- 1999 MAX D. SUMMERS for Baculovirus Expression of Recombinant Proteins
- 2000 RICHARD E. SMALLEY for the Discovery and Characterization of Fullerenes, a New Elemental Form of Carbon, Together with Methoda for Producing Fullerenes
- 2001 JITEN CHATTERJI for a lifetime of achievement for inventions related to improved well completion and to remedial or well treatment procedures in subterranean formations, and specifically for a cement slurry foamer containing a foam stabilizer and a surface defoamer and detrainment material
- 2002 DR. MAGNUS HÖÖK of Texas A&M University's Institute of Biosciences and Technology for his discovery of a family of proteins called MSCRAMMs (Microbial Surface Components Recognizing Adhesive Matrix Molecules) that are found on the surface of microorganisms; and

DR. BRIAN CLARK of Schlumberger for Well Logging Apparatus and Method for Determining Formation Resistivity at a Shallow and a Deep Depth
- 2003 MICHAEL ANGELO of HP for Secure Software Registration and Integrity Assessment in a Computer system.
- 2004 DR. ISSAM I. RAAD of The University of Texas M.D. Anderson Cancer Center and DR. RABIH DAROUICHE of Baylor College of Medicine for their significant contributions to the development of technologies for the prevention of vascular catheter-related infection
- 2005 JAMES O. (JOE) GLASS and SAM M. GLASS for the Stompper mandrel, a Method and Apparatus for Inserting Sheet Piles Utilizing a Protective Housing; and

JOHN M. MICHAELS of Baker Hughes for "Method and Apparatus for Acquiring and Processing Subsurface Samples of Connate Fluid"
- 2006 VESNA R. MIRKOVIC and W. SPENCER WHEAT of Chevron for innovative ways to produce, compress, purify, store, and dispense hydrogen fuel; Operating States for Fuel Processor Subsystems; Fluid Balance Control System for Use in a Fuel Processor; and Method and Apparatus for Burst Disk Identification
- 2007 DAVID A. EVERS DYK, DAVID P. FLORES, OSBORNE K. MCKINNEY, and MICHAEL E. ROWLAND of Dow Chemical for PRIMACOR® polymer

technology; Interpolymers of Ethylene and Unsaturated Carboxylic Acids; and Process for Producing Homogeneous Modified Copolymers of Ethylene/Alpha-Olefin Carboxylic Acids or Esters

- 2008 CLIFFORD H. RAY of Fairfield Industries for Z Technology; Method and Apparatus for Seismic Data Acquisition; and Ocean Bottom Seismometer Package with Distributed Geophones
- 2009 DR. BORJE S. ANDERSSON of M.D. Anderson, DR. DIANA S. L. CHOW of The University of Houston, and MR. HARSHAL P. BHAGWATWAR for stable parenteral formulations of busulfan safe for parenteral administration, resulting in improved bioavailability and optimized high dose busulfan therapy against malignant disease
- 2010 GARY SWOBODA of Texas Instruments, Inc. for over 100 U.S. patents covering system architecture and debug technology for integrated circuits
- 2011 CHARLES MORRIS SMITH of Exxon-Mobil for process for preparing short chain alkyl aromatic compounds

(2) Enhance patent examiner retention, including quality of life indicators such as average household income, cost of living factors, and other factors related to employee retention;

In addition to information provided above, HIPLA refers to the submission of the Greater Houston Partnership for data regarding quality of life. As we previously noted, Houston boasts the lowest cost of living for a major metropolitan area. HIPLA has a very close-knit intellectual property community, which we believe is representative of the collegiality and hospitable nature of the Houston community as a whole.

(3) Improve recruitment of patent examiners, including data on employment rates and other economic factors in the area, science and technology professionals, as well as legal professionals in the workforce and other related information;

In addition to information provided above, HIPLA refers to the submission of the Greater Houston Partnership for data regarding employment and economic data. We already have noted the strong intellectual property and educational community and opportunities existing in the area. Notably, the University of Houston Law Center includes its nationally ranked Institute for Intellectual Property & Information Law, and offers an LL.M. program in Intellectual Property Law. Also, if desired by the USPTO, the University of Houston could make available 30,000 or more square feet of office space at its Energy Research Center at a rental rate of approximately \$15.25 per square foot.

(4) Decrease the number of patent applications awaiting examination; and (5) Improve the quality of patent examination.

Given the educational and business resources Houston has available, it is well positioned to help decrease the number of patent applications awaiting examination. In addition, Houston includes law schools offering night programs, including a program specializing in patent law, that would be available to local examiners. Houston is easily accessible to applicants and their representatives with many already located in the area, in addition to having two large commercial airports located here. These are all factors that HIPLA believes would help to decrease the number of patent applications and improve examination quality.

Houston has the resources, population, and educational and commercial base to support a USPTO satellite office. HIPLA and its membership strongly support hosting a PTO satellite office in Houston, and would commit its resources to helping the USPTO in establishing this office. HIPLA would welcome the opportunity to work with the USPTO and would be happy to provide any additional information that may be helpful for the USPTO's consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Anthony Matheny', with a stylized flourish at the end.

Anthony Matheny
President, Houston Intellectual
Property Law Association

ATTACHMENT A

A search of the USPTO database of patents issued to Houston-area based inventors or assignees in the past five years (from January 1, 2007 through December 31, 2011) totals 25,661, based on the following searches:

((IC/(Houston OR Katy OR Spring OR Freeport OR Baytown OR Woodlands OR "Sugar Land" OR Sugarland OR Pearland OR "Missouri City" OR "Clear Lake") AND (IS/Texas OR IS/TX)) OR (AC/(Houston OR Katy OR Spring OR Freeport OR Baytown OR Woodlands OR "Sugar Land" OR Sugarland OR Pearland OR "Missouri City" OR "Clear Lake") AND (AS/Texas OR AS/TX))) AND ISD/20070101->20111231)

((IC/(Bellaire OR Pasadena OR Galveston OR Conroe OR Angleton OR Alvin OR Kingwood OR "Lake Jackson" OR Humble OR "La Porte" OR "West University" OR Stafford) AND (IS/Texas OR IS/TX)) OR (AC/(Bellaire OR Pasadena OR Galveston OR Conroe OR Angleton OR Alvin OR Kingwood OR "Lake Jackson" OR Humble OR "La Porte" OR "West University" OR Stafford) AND (AS/Texas OR AS/TX))) AND ISD/20070101->20111231)

((IC/("College Station" OR Bryan OR Rosenberg OR Channelview OR Friendswood OR "League City" OR "Deer Park" OR Beaumont OR Crosby OR "Texas City" OR Richmond OR Tomball OR Sealy OR Webster) AND (IS/Texas OR IS/TX)) OR (AC/("College Station" OR Bryan OR Rosenberg OR Channelview OR Friendswood OR "League City" OR "Deer Park" OR Beaumont OR Crosby OR "Texas City" OR Richmond OR Tomball OR Sealy OR Webster) AND (AS/Texas OR AS/TX))) AND ISD/20070101->20111231)

A search of the USPTO application database totaled 25,661 applications based on the following searches:

((IC/(Houston OR Katy OR Spring OR Freeport OR Baytown OR Woodlands OR "Sugar Land" OR Sugarland OR Pearland OR "Missouri City" OR "Clear Lake") AND (IS/Texas OR IS/TX)) OR (AC/(Houston OR Katy OR Spring OR Freeport OR Baytown OR Woodlands OR "Sugar Land" OR Sugarland OR Pearland OR "Missouri City" OR "Clear Lake") AND (AS/Texas OR AS/TX))) AND APD/20050701->20100630)

((IC/(Bellaire OR Pasadena OR Galveston OR Conroe OR Angleton OR Alvin OR Kingwood OR "Lake Jackson" OR Humble OR "La Porte" OR "West University" OR Stafford) AND (IS/Texas OR IS/TX)) OR (AC/(Bellaire OR Pasadena OR Galveston OR Conroe OR Angleton OR Alvin OR Kingwood OR "Lake Jackson" OR Humble OR "La Porte" OR "West University" OR Stafford) AND (AS/Texas OR AS/TX))) AND APD/20050701->20100630)

((IC/("College Station" OR Bryan OR Rosenberg OR Channelview OR Friendswood OR "League City" OR "Deer Park" OR Beaumont OR Crosby OR "Texas City" OR Richmond OR Tomball OR Sealy OR Webster) AND (IS/Texas OR IS/TX)) OR (AC/("College Station" OR Bryan OR Rosenberg OR Channelview OR Friendswood OR "League City" OR "Deer Park" OR Beaumont OR Crosby OR "Texas City" OR Richmond OR Tomball OR Sealy OR Webster) AND (AS/Texas OR AS/TX))) AND APD/20050701->20100630)