

From: David Maire [dmair@iplawfl.com]
Sent: Wednesday, February 15, 2006 1:49 PM
To: AB94Comments
Subject: comments on proposed Changes to Practice for the Examination of Claims in Patent Applications

1) The subject rule changes should not be applied to any application pending on the date of the rule change. To back fit such rule changes to pending applications would put an extreme and unjustified burden on patent applicants who submitted their applications in good faith believing that the existing examination system would be used. The requirement to back fit claim designations and/or preexamination support documents would create cost and time burdens that would be unworkable for large corporate applicants having large patent portfolios and that would be prohibitively expensive for small individual applicants. Such new requirements would constitute a taking by the federal government, since existing applicants have already paid the required fees and were promised the existing level of services from the USPTO without the requirement for more effort on the part of the applicants.

2) If the Federal Government would keep all funds generated by the USPTO for exclusive use within the USPTO, then there would be money available to pay Examiners a higher salary, thereby reducing turnover and eliminating the need for these proposed changes. Congress should quite raiding USPTO funds for non-USPTO purposes.