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From: mcmanus&assoc [mailto:hersanctuary@sbcglobal.net]
Sent: Tuesday, May 02, 2006 10:59 AM
To: AB94Comments
Subject: proposed rule change

Claims

1. Make SURE applications are assigned to CORRECT ART UNIT. Two of my cases have sat on the wrong desk for almost 2 years.
2. Make SURE Supervisory Examiner's READ what they sign off on. How can a deer hunter's tree stand be prior art to a knee brace??? Could have saved 3 months on this case.
3. Train Examiners to READ applications and if they don't understand what the invention is, to ask. I had an Examiner give me useless prior art on a case that dealt with extending catalyst life in a pX system, which she did not understand. All cited art dealt with increasing pX production. Could have saved 6 months on this case.
4. Bring back the Omsbudsman program! I think the old Omsbudsman was Ira Schwartz - (?) He saved me 2 years on a case by reviewing it and granting allowance because the Examiner was so bad and I would have Appealed had he not interceded.
5. Make sure Examiners understand English! I can't argue against something I can't comprehend.
6. Possible Examiner training. Before turning untrained Examiners loose on the unsuspecting public have them prosecute ONE application say for an individual inventor, start to finish - so they get a better perspective on things.
7. Teach Examiners good CASE LAW and not to take quotes out of context. Do they think we can't or won't read the case? Most is inapplicable to the situation in which it is presented because it is out of context. This wastes time.
8. Collect statistics on # of cases filed by small/large entities. As with most major corporations, I assume the small entity carries the PTO. If you modify claims rule as you intend, PTO income will drop severely because the little guy won't be able to afford what is needed without

compromising his position. Are you trying to eliminate all small entity filings?

9. You CANNOT make claims rule retroactive. Small entity applicants have never been advised of your proposed requirements to BUDGET for what it will cost to pursue all 20 claims they had a right to at filing. I find this particular proposal unethical and reprehensible!
10. If you put such claim restriction on PCT National Phase Applications, standing of US application vs. EPO, etc application will be comprised, as relates to conformity of claims amongst the various venues filed in.
11. Requirement for Foreign Art, etc to be incorporated into the prior art summary. Does that mean PTO search room will be majorly upgraded to allow access to all Foreign patents, periodicals, publications? Search room as it is only has about 80% of US Patents available and will not accommodate your proposal.
12. Your state searches are \$2500 - Are these US or Worldwide; either way my individual inventors could not pay this. Further, there is NO WAY your search requirements can be met!
13. Hire experienced searchers. This will save time on prosecution. Refer to 2 and 3 above.
14. If I am doing the PTO's "job" then I assume you will eliminate search and exam fee for "self examined" cases with more than 10 claims or cut filing fee in half for cases with less than 10 claims.
15. If you want to eliminate all small entity filings, just do it! This is, in essence, what your proposed changes will accomplish.
16. You may open a doorway to legal action against you for violating the US Code.