

From: Jim Retter [mailto:jar@wfva.net]
Sent: Friday, March 31, 2006 7:29 AM
To: AB94Comments
Subject: Comments on proposed changes to rules regarding claims

Dear Sirs:

I strongly urge you to reconsider your proposed rules changes regarding examination of the claims of an application.

The Office would substantively examine only ten claims without an examination support document. This is too few. And although an applicant would be able to ask that more claims be substantively examined, the applicant would have to provide an examination support document, and the requirements for such a document are, in my opinion, so onerous as to effectively dissuade almost all applicants from having a substantive examination of more than ten claims.

For example, in many applications today there is a communication interface and there are claims to a method, a device, a computer program product, a hardware implementation of the logic, and an apparatus including the device, on each side of the communication interface. The Office would count these all as independent even if some refer to others, if I understand the proposed rules correctly. This is already ten claims. If a system claim is also provided with the application (recited to comprises elements on both sides of the communication interface), the Office would count the system claim as representative too, even if it were written to refer to another claim (e.g. to comprise an apparatus according to another claim).

In my estimation, the number of claims ought to be increased to at least thirty, so that an applicant could see whether the Office finds allowable subject matter. A smaller number than thirty might be reasonable if the Office were to count representative claims differently, so as to include only claims that do not refer to another claim.

Respectfully submitted,
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