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From: Sven W. Hanson

Sent: Monday, September 04, 2006 7:03 PM

To: AB95 Comments

Subject: AB95 Comments

The proposed rules respecting submission of IDSs is not an effective, nor cost-efficient, way to increase the quality of patent examination. To reduce Office resources spent in search and examination, the Office must be able to rely on the proposed IDS information. This has several consequences: increased opportunity for fraud on the Office by unscrupulous Applicants, increased costs for Applicants, increased post-issuance litigation for Patentees, reduced quality of examination. Respecting the last of these; the clean unfettered, unbiased, eye of an Examiner is often better able to see possible breadth of claim language, beyond the intended invention, and its relationship to the prior art. Even a well-intentioned Applicant who understands completely the invention and a reference, may not realize the full import of his own claim language with respect to a reference. To lose the critical examination of the Examiner is to lose an essential part of quality patenting.

Under the proposed rules, to forestall future litigation, the Applicant must attempt to examine the known prior art not only for relevant but not dispositive disclosures, but also for disclosures which are not dispositive of patentability. References that an examiner might be able to dismiss with cursory examination, will often require, for uncertainty and safety's sake, an Applicant to provide time consuming explanation and exculpatory argument. That this will undoubtedly occur is shown by the question of: what is the difference between relevant and the "marginally relevant" used in the Office publication of the proposed rule. In essence, the proposed rules ask to demonstrate patentability by proving the absence of unpatentability. It always takes more to prove a negative than a positive.

To fully and effectively fulfill the requirements of the new rules will require expending significant added time and money by Applicants. This money would be more effectively spent on increased fees to the Patent Office to enable efficient quality examinations. Increase fees and be done with it.

Sven W. Hanson

Reg. 36546