

-----Original Message-----

From: Clarke, Robert
Sent: Sat 4/29/2006 1:14 PM
To: AB93Comments
Cc:
Subject: FW: comments to proposed rules

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From: Brian K. Dutton [mailto:BKD@raderfishman.com]
Sent: Fri 4/28/2006 6:20 PM
To: Clarke, Robert
Cc:
Subject: comments to proposed rules

Hello Mr. Clarke. I am a former Primary Examiner with the PTO. I have seen many of the comments and proposals regarding the proposed rule package. I have also attended many of the Town Hall meetings. One of the solutions that I have not heard proposed is to provide unlimited overtime to the examining corps.

This overtime would be at a higher rate than the examiner's current pay rate. For example, the overtime rate could be 1.25% of the examiner's current pay rate with the hours per balance disposal remaining the same. Also, conditions could be associated with this type of overtime, such as this overtime being available only for first office actions on the merits in new applications.

Whereas comp-time is very beneficial to the examining corps by providing flexibility to the personal schedule of the examiner, it does not increase the total number of examining hours. Also, the present bonus system does not provide enough of a financial incentive to the examiner for the extra work associated with a production rate of above 95%. Thus, many examiners would rather accrue comp-time than to receive a bonus for examining additional applications.

It has been said that the PTO cannot hire its way out of the present backlog. By providing unlimited overtime to the examining corps, it seems inevitable that the total number of examining hours would increase; a potential bi-product of the increased examining hours being the processing of more applications.

This is my own proposal. I hope that this proposal helpful to the PTO in addressing the present backlog.

Brian Dutton