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The Honorable Jon W. Dudas  
Undersecretary of Commerce for  
Intellectual Property and Director of the  
U.S. Patent and Trademark Office  
600 Dulany Street  
Madison West  
Suite 10D44  
Alexandria, VA 22314

Dear Undersecretary Dudas:

I am a solo patent practitioner - registration number 35,229. I am writing this to comment on the USPTO's proposal to limit continuation practice (71 Fed. Reg. 48 (Jan. 3, 2006)).

I attended the town meeting in Chicago, and I totally understand the numbers and the Office's concern with pendency and backlog. These numbers are of concern to all patent practitioners and especially to our clients.

However, I believe the proposal limiting continuations and RCEs will be counter-productive and will increase the problem if implemented.

Practitioners, given the knowledge that they will be allowed only one RCE or continuation, will be forced to react defensively to protect their clients. This means that practitioners will now request an examiner interview routinely after the first office action and after every other office action. Rather than use the one allowed RCE or continuation, there will be a much greater temptation to file an appeal. The examiners' work load will increase tremendously due to the increase in phone calls from practitioners and the necessity to respond to more appeals.

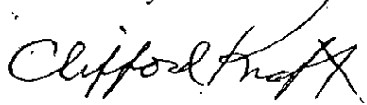
I may be wrong, but I predict the standard practice for practitioners may become 1) receive office action, 2) call examiner, 3) receive final office action, 4) call examiner, 5) file after-final amendment, 6) call examiner, 5) file appeal - then if there is still no resolution, file an RCE or continuation repeating the process.

Instead of one examiner interview, there will be several; instead of an RCE or continuation, there will be an appeal. This is especially true when the client can afford this process.

Given that something must be done, I much prefer an escalating cost scale for RCEs or continuations beyond the first as suggested by the SBA in their comments.

Thank you for your time. I hope our comments help the USPTO resolve the current difficulties without totally disrupting the patenting process.

Yours Truly

A handwritten signature in cursive script that reads "Clifford H. Kraft". The signature is written in black ink and is positioned above the printed name.

Clifford H. Kraft