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From: Nunez, Jordany
Sent: Thursday, April 20, 2006 12:47 PM
To: AB93Comments
Subject: Request for Continued Examination

The following proposed change is not fair to applicants, and may be contrary to what congress intended:

An applicant may not file more than a single request for continued examination under this section in any application, and may not file any request for continued examination under this section in any continuing application (§ 1.78(a)(1)) other than a divisional application in compliance with § 1.78(d)(1)(ii), unless the request for continued examination also includes a petition accompanied by the fee set forth in § 1.17(f) and a showing to the satisfaction of the Director that the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the application.

This change is not fair to applicants because applicants, and their representative, will be under pressure to unduly limit their claims so that could be placed in condition for allowance in fewer passes through the system.

Congress intented for applicants to have the right to get as broad a patent as justified by their invention. Therefore, applicants should have the option of limiting their claims as minimally as they wish as long as they feel that their claims are allowable. If this delays final dispositon of a case, so be it. PTO has no right to unduly push applicants to limit their claims simply to shorten prosecution and this runs counter to what congress intended.

Finally, the patent system as a whole loses more by unduly pushing applicants to more narrowly define their claims than by prosecuting a few applications longer than average.