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From: eramesh@tpna.com [mailto:eramesh@tpna.com]

Sent: Tuesday, February 07, 2006 12:42 PM

To: AB93Comments

Subject: comments on proposed new rules re: continuation

I would like to provide input, based upon the PTO representative's call for comments and suggestions on the proposed new rules at the recent AIPLA Palm Springs meeting which I attended.

A reason for filing continuations is that the client feels that the Examiner has not understood the invention and/or the art properly; and would still like have further opportunities to convince/explain when the client does not yet wish to appeal. As a potential solution, I suggest that the option to petition to request a new Examiner be offered. I would suggest that the procedure be available only after the filing of one continuation and further receipt of first subsequent Office Action wherein it appears that the Examiner still doesn't comprehend the invention and/or art and we do not feel that we can make the Examiner to comprehend our invention and/or art.

Such a procedure could be useful in conditions where comprehension on the part of the Examiner is lacking due to 1) inexperience, 2) poor command of the art or 3) poor command of the language; or a combination of these factors. I would envisage that a fee be charged, but that no showing of necessity be required to request re-assignment of the application. This may avoid further continuations, and also be a method wherein the PTO can internally track customer satisfaction with particular Examiners. After the Examiner was changed, I would expect that the new Office Action (should rejection be maintained) would be non-final. An Examiner switch may avoid our perceived need to "recycle" the application in further continuations.

Thank you for your consideration of my suggestion.

Elaine M. Rajesh