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From: Rich Rein [mailto:richrein@richrein.com]

Sent: Thursday, April 27, 2006 10:01 PM

To: AB93Comments

Cc: richrein@richrein.com

Subject: Please don't change the continuation rules or the number of claims.

Dear Sirs,

I am an independent inventor.

I know that you are trying to find ways to trim the patent review process.

I recently heard that you are planning to limit the number of claims and reviews. This is a problem. I expect that I would need to file more patents at the same time rather than have 1 cohesive patent. The number of things that need to be patented would not change, but the paperwork would increase for everyone.

As an individual, getting things patented is barely affordable. The provisional patent helped finance patents, but limiting the number of reviews will greatly increase the risk of acquiring a patent, which will greatly harm the fundability of a provisional patent.

Limiting the number of claims will increase the number of patents. Self funding patents is almost impossible now. They cost too much already. Increasing the risk and increasing the cost will definitely cause people who cannot afford it to drop out. Then the majority of parties able to participate in the patent process will be established companies and a people with money. The lower income folks will be forced out.

I have been a software engineer since 1975.

I routinely see software patents that are prior art.

Same solution just repackaged for the current technology.

This is because these solutions are obvious once the question is posed or reposed at a later time with new names exist for similar technology.

A new generation of engineers, unaware of the prior art, think they have invented something.

Unfortunately there is too much to know, and the patent office grants the patents.

ALTERNATE SOLUTION 1

Rather than increasing the paperwork for small inventors for all patents,

I would rather see the PTO become strict with respect to software and business patents to free up time for all other patents.

ALTERNATE SOLUTION 2

Grant patents more easily, but make losing a patent easier also.

For example, you should be able to lose your patent if at least 1 person in a panel of engineers skilled in the art were to come up with the same solution given the same problem. The arbitration would be in the courts, but it would be between parties outside the PTO. This would have the additional benefit of eliminating unworthy business and software patents.

ALTERNATE SOLUTION 3

Have a 2 tier system based on economic size. Individuals or companies with a net worth less than \$1 million would have no restrictions on the claims and multiple reviews and multiple opportunities to educate the PTO.

SUMMARY

Of the above solutions, I like 2 the best. It reflects the reality that the PTO cannot know everything and that the bad patents that are created can be purged over time.

At the same time, it reduces the scrutiny required.

Please don't increase the up-front costs, paperwork and risks of filing a patent. It will lead to the exclusion of lower income participants and patents that take a lot of education to understand. Please don't change the continuation rules.

If you change anything, change the back-end costs of owning a patent.

Make it easier to eliminate a bad patent.

Perhaps tax revenues from patented products when they exceed \$1 M in sales?

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