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General Comment: It is wrong and counterproductive to limit examination to ten representative claims.

The effects of prosecution history estoppel demand a broad range of claims. Likewise the constraints put on reissue applicants by the recapture rule demand a broad range of claims because, if an applicant is forced to fall back too far in a feature during the original prosecution, the Patent Office will do everything it can to prevent recapture. More intermediate scope claims help avoid falling back too far.

Limiting prosecution to 10 representative claims will also lead to more continuations than necessary. An applicant that files 40 product claims which does not get the selected 10 allowed will go for the next 30 in three respective continuations of ten claims each if necessary.

The Patent Office has set the fees high enough that it can recover its costs.

I would agree that an examiner forced to examine an application 200 claims has a problem. However, this is not the case in the vast majority of applications. Thus, the representative number, if you must set a representative number, should at least be tripled to 30.

While I applaud the USPTO in trying to creatively reduce its backlog, unreasonably denying applicants, the ability to apply for what they consider their invention to be is not the answer.