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Sent: Tuesday, March 21, 2006 1:32 PM

To: AB93Comments

Subject: Proposed Rule Making on Continuation Practice

Having reviewed the proposed rule changes, sat in on the presentations at AIPLA (La Quinta) and others, I have the following comments:

- 1) Two things that would cut down on RCEs and other continuations, quite simply and without the proposed draconian measures:
 - a) Get rid of automatic, and often absurd, second action final practice; and
 - b) Make interviews freely available after any action.

The idea is to get the application to proper allowance, or to a reasoned final rejection and abandonment or appeal. I have been told by an examiner that his group does not entertain interviews at all after final. How that gets to a final resolution is a mystery. It does get a new filing fee, and often, a quickie disposal. But it is not in the best interests of the applicant, the Office, or the system. Certain practices can easily be adopted to prevent abuses, again without draconian measures being the first thought for these limitations.

- 2) To cut down on divisional applications a simple, at least partial, solution would be to ease restriction practice. The requirement for restriction often leaves one scratching his head because it seems to be completely irrational and mechanistic, without any relation to reality. I am not one to propose that we adopt the practice of the EPO or the JPO, but they appear to use some sense when determining that more than one invention is present, at least some of the time.

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