

-----Original Message-----

From: Fish, Robert [mailto:rfish@rutan.com]

Sent: Thursday, March 09, 2006 11:00 AM

To: AB93Comments

Subject: Comments on proposed rule changes regarding CIP practice.

I am opposed to limiting the number of continuation applications to one or two. In my 17 years of experience, RCE type continuations are usually due to intransigence, inexperience, or illogic on the part of the examiner, and CIP type continuations are usually the result of the inventor having developed a significant improvement. In both cases the patent office should encourage rather than limit further prosecution.

My suggestion is that the Patent Office limit the total number of claims of any application to twenty or thirty, and the total number of independent claims to two or three. Yes, that would require patent attorneys to do the heavy mental lifting of actually figuring out what the "invention" is when filing the application. But we know they can do that. Patent applicants already re-write their claims to meet similar requirements in several foreign countries.

The total number of applications on a single subject matter should also be limited in some manner, perhaps to five or six. "Single subject matter" could well be difficult to define, but could be defined by claims that overlap sufficiently to require a terminal disclaimer.

Robert D. Fish

Rutan & Tucker, LLP

611 Anton Boulevard, 14th Floor

Costa Mesa, CA 92626

714-641-3433 Direct

714-546-9035 Fax

rfish@rutan.com

www.rutan.com