

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

**From:** Clarke, Robert

**Sent:** Wednesday, May 03, 2006 7:57 PM

**To:** AB93Comments

**Subject:** FW: Comments on Continuing Application Process

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

**From:** Brown, Patricia [mailto:PBrown@MacLean-Fogg.com]

**Sent:** Wed 5/3/2006 5:15 PM

**To:** Clarke, Robert

**Cc:**

**Subject:** Comments on Continuing Application Process

Dear Mr. Clarke:

Transmitted herewith, please find a letter regarding the above-mentioned matter.

On Dana Alden's behalf,

Tricia Brown  
Legal Assistance

May 3, 2006

VIA ELECTRONIC MAIL ([robert.clarke@uspto.gov](mailto:robert.clarke@uspto.gov))

Mr. Robert A. Clarke  
Mail Stop Comment – Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: Comments on Continuing Application Process**

Dear Mr. Clarke:

I am the General Counsel to the MacLean-Fogg Company, a manufacturer of approximately 700 million dollars in annual sales. Because the proposed rule changes will prevent us from protecting our innovation and substantial investment in research and development, we cannot support the PTO's proposed rule changes.

The MacLean-Fogg Company is a basic manufacturer of components and assemblies for use in the automotive and electric utility industries. We face considerable pricing pressure from competing manufacturers located in low cost labor countries, such as China. Our products are manufactured through the use of parts forming machines, lathes, grinding machines, and other equipment used to finish metallic products. We also use mold and mandrels for fiber reinforced plastic goods and polymer based products. This equipment is ubiquitous in China and India. Employing considerably lower cost labor force, manufacturers located in these countries enjoy a distinct advantage over U.S. manufacturers.

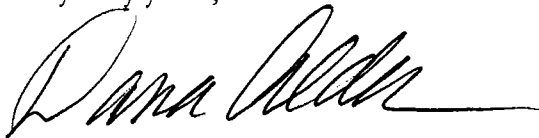
Ingenuity, innovation, and invention remain our advantage over our foreign competitors. Taking away our ability to protect our invention is tantamount to taking away the advantage we hold over our foreign rivals. The considerable investment we make in research and development will essentially be given away because our ability to protect will be compromised by the proposed rules.

These competitors show a remarkable disregard for the intellectual property of others. Indeed, the relatively poor intellectual property enforcement that we and other U.S. companies have encountered in China prompted President Bush to make improved enforcement of intellectual property rights an issue with President Hu Jintao during his recent U. S. visit on April 20, 2006. See [www.whitehouse.gov/news/releases/2006/04/20060420.html](http://www.whitehouse.gov/news/releases/2006/04/20060420.html). The proposed rules will prevent us from doing so. The inevitable result will be further out-sourcing of American manufacturing and American jobs. The purported benefits reduced back log and avoidance of Lemelson's bar code patents will benefit only a few, if any, while exacting a devastating toll on the rest of the users of the U.S. patent system who need multiple patents in order to protect the U.S. market.

Robert A. Clarke  
May 3, 2006  
Page 2

A robust, flexible, and vigorous patent system in the United States enables us to protect our core market. Without patent protection, pricing on our products that sustains domestic manufacturing would be lost. We fund research and development in order to develop multiple ways of practicing a particular invention in order to meet the differing preferences of our customers. We must file multiple patent applications, continuations, continuation-in-part, and divisional applications in order to protect fully our research and development against foreign competitors.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dana Alden", with a long horizontal flourish extending to the right.

Dana Andrew Alden

DAA:pjb