

From: Tim Pryor [mailto:tpryor@digital-dash.com]
Sent: Friday, April 14, 2006 3:06 PM
To: AB93Comments
Subject: Proposed Rule Changes on Continuations

AB93Comments@uspto.gov.

USPTO Attn Robert W. Bahr
Re comments on the proposed rule changes regarding
continuations and challenges of patents

Dear Sir;

I am an Individual inventor with a long history of invention and activity in the PTO. I am a US Citizen from Bethesda Maryland originally, now living in Canada. I have more than 15 regular applications currently pending, some quite large, and several provisionals. Most are related to Human interfaces and especially Car Dashboards. I generally do not file foreign due to lack of funds, however some got published because if forgot to say not to.

I am still working on finding backing in the Automotive world, and I cant afford to stop inventing, as the solution that will be most cost effective for vehicles is still not completely clear. Funds are very tight, and I have three problems, besides actually funding the work leading to the invention itself:

- Trying to find funds to commercialize the invention, for which patent protection is necessary in order to attract investment.
- Paying lawyers to help me prosecute the applications. PTO fees are a cost problem too, but to a lesser degree
- Increasing problems in the PTO with examiners (many seem to be new) who don't appear to understand things to the depth they should. Sometimes it even seems like there could be an underlying English language problem.

The bottom line is that I have to balance everything PTO wise also against the costs of actually doing the r and d needed to make the inventions and advancements thereon. What appears to be a proposed near

elimination of continuation applications is to me a massive problem, as I cannot afford to prosecute everything I have invented in all aspects, all at once. Especially as the R and D is continuing to unfold.

I am in competition with huge multinational companies also looking for similar solutions, and if I don't file promptly, I risk losing rights. But I don't know apriori which aspects I will be able to find backers for. Thus I generally have to proceed based on those things I think will attract funds first, not necessarily those things I think are the best invention in the final analysis.

Another problem is that increasingly I have to refile after a final rejection in order to try and have more time to convince examiners to allow meaningful claims, without running up the costs - to me, or the PTO to I would think, of an appeal. In one really bad example, I have had to refile an application 8 times due almost entirely to an apparent inability of an examiner to understand either my invention or the prior art references he has cited. Each time I think he finally does, and each time at the end of the day, he has finally rejected the case. The cost to me of this, including legal services has been well over 10,000 dollars. This is not small money to me. (In retrospect, I should have spent the funds typically 2500 dollars) to have an interview, and at least tried that, but each time we seemed close)

But what would I do in this case if I couldn't continue? It would seem an appeal is the only answer.

If others feel the same, there will be a large increase in appeals, and attorney's fees.

So what does the proposed change do? I have trouble understanding the lengthy change proposal. It seems that there is a provision where I could file a petition or something convince the PTO that somehow a continuation is to be permitted but this just costs more money in legal services. And I don't understand what happens if the examiner restricts the claims. All I know is that it will make me much less able to make a living inventing things.

I also fail to see what real value this new rule creates for the patent system. It will surely be to the detriment of individual inventors, and it may have un-intended consequences in the PTO such as significantly increasing the number of appeals- some not too well prepared due to lack of funds on the part of the inventors. It would also seem to add a further amount of paper work for everybody in the chain relative to the continuation permission process, however it finally would shake out.

Anyway those are my comments. Im sorry i dont have time or money at present to fully grasp the proposed changes, and thus i may have wasted some of your time if my comments are in error.

Thank you for your consideration.

Sincerely

Tim Pryor
910 Monmouth Rd.
Windsor, Ontario
N8Y 3L7
Canada
519 256 2090

PS I should also add that I am totally against the patent challenge after granting rule change as well, which seems totally skewed toward those with deep pockets. Its flattering in a way that someone would care enough to challenge. But If large corporations would misuse this, it could drive individuals out entirely. For example, in the circumstances above, what would be my recourse if each time I had something finally patented, some big car company would try to blow it away? Even if I win in the PTO, I lose, as the funds are gone and they cant be used to fund the other issues above.