

From: Rob Sterne OY! aUj` ` UXXfYgg' fYXUWhYXQ
Sent: Monday, November 07, 2011 12:25 AM
To: aia_implementation
Cc: OY! aUj` ` UXXfYgg' fYXUWhYXQ
Subject: Post grant review

RGS Comment # 11 (see disclaimer in RGS Comment #1)

Ms. Gongola:

I appreciate the opportunity to provide comments for the Group 2 Proposed Rule Makings. I have reviewed AIA Sec. 6 relating to the - - Post Grant Review - - and would like to provide some comments. These comments, which also apply to all contested matters, are provided in order to raise potential issues for consideration by the USPTO while drafting the rules and regulations, and not to encourage any particular view or outcome. As such, these comments do not necessarily reflect my individual views or the views of my firm - - Sterne, Kessler, Goldstein & Fox, PLLC - - or its clients.

Currently a practitioner before the Office must have passed the agents exam and have a registration number. Now with the AIA, there is massive political power being directed at the Office to change this fundamental rule and allow any attorney to appear before the Office in any contested matter using a pro hac vice process. This is not a good idea and should not be adopted by the Office. Even though attorneys can currently engage in interferences using this pro hac vice process, this should not be expanded to the new contested matters.

The registration number assures the Office that the practitioner has sufficient technical and administrative knowledge to represent clients before the Office. In addition, these registered patent attorneys and agents must comply with the duty of disclosure and duty of candor and risk disciplinary action from the OED.

Pro hac vice attorneys will have none of this experience, knowledge or responsibility. They have full opportunity to take and pass the agents exam and should not be allowed to circumvent this requirement. The Office should police its own no differently than each state bar polices its attorneys. The patent profession is one of only two recognized specialties in the practice of law and this should be preserved. The Office should stand up to the political power and pressure of the special interest trial attorneys and say NO to their pro hac vice encroachment.

Thank you

Robert Greene Sterne