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From: Derek Freyberg [mailto:dfreyberg@telik.com]

Sent: Wednesday, May 03, 2006 4:46 PM

To: AB93Comments; AB94Comments

Subject: Comments of Telik, Inc. on the Notices of Proposed Rulemaking
at 71 FR 48 and 71 FR 61

Enclosed is a letter from Michael M. Wick, MD PhD; Chairman, CEO &
President of Telik, Inc.;
with Telik's comments in response to the Notices of Proposed Rulemaking
at 71 FR 48 and 71 FR 61.

Often when a patent application is filed, neither the inventors nor the company's development team fully recognize the value of the patent(s) that may issue on that application. Having greater flexibility in claiming an invention under the present procedures allows a company like Telik to maximize the value of its patent portfolio in light of changing commercial realities. The present patent publication procedures and other sources of information allow Telik to regularly evaluate its competitors' present and future development programs. In light of this ongoing evaluation, the existing claiming and continuation practice before the PTO aids Telik in adjusting to the realities of the changing marketplace of ideas.

While Telik supports improving the efficiency of the process for obtaining a patent and issuing high quality, enforceable patents, these improvements should not come at the expense of decreasing the overall value of a patent family to its owner.

Telik believes that the proposed changes to the practice for the examination of claims and to the practice relating to continuing applications will decrease Telik's opportunities to positively affect its patent assets to aid in funding the development of new drugs. Also, the new procedures regarding pre-examination searches would add burdens and risks that would further adversely affect the value of its patent portfolio. Telik feels that the present PTO procedures provide it with better opportunities and greater flexibility than the proposed procedures in maintaining and adding value to its patent portfolio and, thus, funding projects to develop new drugs. In Telik's view, the Commerce Department goals to promote economic development and technological advancement in the biopharmaceutical arena are better met with the present PTO procedures than the proposed procedures.

Telik asks that the proposed rules be withdrawn and reconsidered in light of these concerns and the concerns expressed by the AIPLA in its letters of 24 April 2006 and the SBA in its letter of 27 April 2006.

Sincerely,



Michael M. Wick, MD PhD
Chairman, CEO & President