

From: Dzviel@ndsisrael.com
Sent: Monday, July 28, 2003 2:26 AM
To: AB63 Comments
Subject: Comments on notice of proposed rulemaking

The following comments refer to the intention to delete paragraph (b) of 37 CFR section 1.34 and thus to end the associate power of attorney practice.

I am a registered practitioner living and working abroad. In US patent cases for my clients I typically instruct the registered practitioners of record, who are located in the US and usually have their own Customer Number.

On occasion it is necessary or convenient to obtain an associate power of attorney in my favor from one of the registered practitioners of record. The associate power of attorney is necessary when interviewing an examiner telephonically. In addition (despite the provisions of CFR section 1.34 and of MPEP 713.05) examiners are frequently and perhaps justifiably reluctant to agree to an interview in person based on the practitioner's file if the practitioner is not of record in the case. Furthermore, an interview under such circumstances may be more difficult or awkward than an interview in which the registered practitioner is of record.

It will be appreciated that signing a new power of attorney under such circumstances will incur further expense to the client and may be inconvenient. Furthermore, the proposed new Customer Number practice does not provide a workable solution to the problem even by filing a new power of attorney. In the proposed new practice, a Customer Number is required whenever more than 10 registered practitioners are named. It would not be proper to simply add the instructing registered practitioner to the Customer Number, since this would potentially have the effect of giving the added practitioner a power of attorney over files of other clients for which he or she does not instruct the registered practitioners of record.

Therefore, ending associate power of attorney practice will place an undue burden on some registered practitioners and their clients. If associate power of attorney practice is eliminated, a suitable substitute should be provided.

David Zviel