

Spar, Bob

From: Kunin, Steve
To: Nase, Jeffrey; Spar, Bob
Subject: FW: Dinking with the Patent Laws and Rules
Date: Friday, November 01, 1996 8:39AM

Some times you can't please all of the people all of the time!

From: Goldberg, Howard
To: Kunin, Steve; Bounkong, Bo; Kazenske, Edward
Subject: Dinking with the Patent Laws and Rules
Date: Friday, November 01, 1996 5:45AM

From: "Robert P. Bell" <RobertBell@BELLPAT.COM>
Newsgroups: misc.int-property
Subject: Dinking with the Patent Laws and Rules
Date: Thu, 31 Oct 1996 10:44:32 -0800
Organization: Robert Platt Bell & Assoc., P.C.
Lines: 50
Message-ID: <3278F390.FA5@BELLPAT.COM>
NNTP-Posting-Host: cust36.max4.washington.dc.ms.uu.net
Mime-Version: 1.0
Content-Type: text/plain; charset = us-ascii
Content-Transfer-Encoding: 7bit
X-Mailer: Mozilla 2.01 (Win16; U)
CC: RobertBell@BELLPAT.COM
Xref: news2.digex.net misc.int-property:21756

I have been a big cheerleader for Hon. Com'r Bruce Lehman, both in this venue and elsewhere. But lately, he's starting to piss me off.

Particularly, I have to take exception with the incessant "dinking" (i.e., tweaking or adjusting) of the Patent Laws and Rules. Leave well enough alone! If it ain't broke, don't fix it! Any Engineer knows that simple rule (but maybe not a Copyright guy!).

ITEM: PTO proposes to change Continuation and FWC practice. Surprised? Well, no one is talking about it too loudly. Insiders tell me that the overall effect will be to eliminate after final practice and force more refilings, thus "reducing" PTO pendency and increasing revenues. This amounts to little more than cooking the numbers.

ITEM: PTO proposes CLE credits for Attorneys (good idea) possible CLE EXAMS (bad idea) and a Patent Attorney license tax (really, really bad idea). The problem I have with the CLE Exam is this: Suppose a practitioner doesn't pass the CLE exam? Does he lose his license? What happens to his practice? His clients? His cases? Does he have to wait 18 months to take it again? By then, there won't be a law practice to speak of!

I strongly support CLE for Patent Practitioners, and the PTO could take the lead by offering some seminars in Crystal City to discuss Rule and practice changes. Mr. Kunin's session at AIPLA was in a room with 20 chairs - hardly the venue for 17,000 registered attorneys to learn about practice changes.

The last idea (Attorney Tax) is just a bald-faced revenue generating idea. Since the PTO already generates more revenue than it spends, why do we need this additional revenue? The idea of the PTO as a government

corporation seems less and less appealing to me. Once the PTO is cut loose from Congress, we can expect more of these 'taxes' as the PTO budget inevitably increases.

OMIGOD, was Riley right?

ITEM: OED proposes changing the Agent's Exam format _yet again_. I am still at a loss as to why the original format needed changing. They propose having an electronically graded first section administered nationwide on a regular basis. Once you pass that section, you can take the written part. Probably not a bad idea. Perhaps the grading could also be improved (made more consistent).

Change can be our friend, to quote the President. But please, let's have a breather so we can adjust to all of the changes already enacted.

Regards,

--Bob.