

From: Daima.Phipps
Sent: Wednesday, March 02, 2011 12:42 PM
To: track_I_comments
Subject: Clarification of Proposed Rule Change

Afternoon. It would appear that the intention is to limit this proposed change to first filed utility and plant applications. Although design and reissue applications are specifically identified within the proposed rule change, it may be more clear to also include that this process will not be accorded to continuing applications such as continuation and divisional applications. Would CIP applications qualify as they do include additional subject matter?

Suggested revision below.

(e) A request for prioritized examination under this paragraph may be filed only with an original utility or plant nonprovisional application under 35 U.S.C. 111(a) filed via the Office's electronic filing system (EFS-Web), that is complete as defined by § 1.51(b), with any fees due under § 1.16 paid on filing. A request for prioritized examination under this paragraph must be present upon filing and must be accompanied by the prioritized examination fee set forth in § 1.17(c), the processing fee set forth in § 1.17(i), and the publication fee set forth in § 1.18(d). Prioritized examination under this paragraph will not be accorded to a design application or reissue application, any utility continuation or divisional application, and will not be accorded to any application that contains or is amended to contain more than four independent claims, more than thirty total claims, or any multiple dependent claim.

Thank you for your consideration.

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