

From: T.UEMURA
Sent: Sunday, March 06, 2011 10:50 PM
To: track_I_comments
Cc: 'JBMIA 白水'
Subject: submission of comments for USPTO

Mr. Robert A. Clarke
Commissioner for Patents
United States Patent and Trademark Office

Dear Mr. Clarke,

This is Takashi UEMURA from Japan Business Machine and Information System Industries Association (JBMIA).

Please find the attached comment for "Changes To Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures".

We hope the document would be well received.

Thank you in advance.

Sincerely yours,

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March 7, 2011

Comments on Enhanced Examination Timing Control Initiative by USPTO

This letter is for Japan Business Machine and Information System Industries Association (JBMIA) to submit its comments in response to solicitation of public comments by USPTO as announced in Federal Register /Vol. 76, No. 24 /Feb 4, 2011. The comments are attached hereto.

JBMIA is a Japanese incorporated association which was renamed in 2002 from Japan Business Machine Makers Association established originally in 1960. JBMIA consists of thirty-seven (37) member companies engaged in business machine and information system and twenty-two (22) supporting companies. Almost all of the member companies have actively filed patent applications in the USA.

A handwritten signature in black ink, appearing to read 'K. Mitsunushi', written in a cursive style.

KIYONORI MITSUNUSHI,

Committee Chairman

Intellectual Property Committee

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<Comments on Immediate Implementation of Track I>

Whilst Japan Business Machine and Information System Industries Association (JBMIA) welcomes an early implementation of Track I, JBMIA requests the following two modifications to be made before its implementation.

Firstly, JBMIA believes that the prioritized examination fee is too expensive: it should not exceed patent application fees, which means that the fee for prioritized examination should be lower than one thousand US dollars.

Alternatively, if the amount significantly exceeds that of patent application fees, a greater benefit should be granted to the applicant requesting prioritized examination such as a shortened period, say, three months, from such a request until the final examination result.

At the same time, JBMIA requests an early implementation of Track III because it would benefit applicants by allowing for a greater choice of timings for starting examination. Implementation of Track III would also help secure resources within USPTO for Track I by leveling its workload of examination.

Secondly, JBMIA believes that the timing for requesting prioritized examination should not be limited to when a patent application is filed. Should a request for prioritized examination may be filed only simultaneously with the patent application, the applicant who failed to do so with his/her original application may try to benefit from Track I by filing a continuation application, which will increase the workload of both USPTO and the applicant.

To avoid such situations, JBMIA proposes a system under which applicants can request prioritized examination with respect to all pending, unexamined applications. JBMIA also believes that it is worth considering a system under which a reasonably higher fee is applied to a prioritized examination request filed after patent application.

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