

Rules, Lester

From: Lester Rules <lessfonrules@gmail.com>
Sent: Friday, February 10, 2012 12:54 PM
To: fee.setting
Subject: Please rethink claim fees

Dear Fee.setting

There has been, and from what we have heard of the proposed new fees, there will continue to be, an inherent unfairness in the the fees that are charged for claims.

For instance:

Currently, for the basic filing, examination and search fees an applicant may present for examination 20 total claims with 3 of those claims being independent. Exceeding either of those thresholds triggers the requirement to pay additional fees, ostensibly to cover the cost of examining additional claims.

However, this fee policy leads to the following unfair absurdity.

Consider the applicant that files an application with 3 independent claims and 17 dependent claims, each depending claim directly from an independent claim and the requisite fees.

After prosecution, an examiner may find that all 17 of the dependent claims are allowable but that the 3 original independent claims read on the prior art and are rejected.

In order to accept the allowed subject matter and to receive the protection that the office agrees she is entitled, the applicant must place all 17 claims in independent form. This means she must pay excess independent claim fees for 14 claims, even though no further examination will be done on those claims other than verifying that the presented amendments do actually simply place the dependent claims in independent form.

We respectfully submit that this is inherently unfair and respectfully request that the fee schedule be changed to indicate that there is never a claim fee charged for simply placing an already allowable dependent claim in independent form.

Thank you,

Lester Rules