

From: Robert Lelkes
Sent: Saturday, January 20, 2018 6:31 AM
To: RegulatoryReformGroup <RegulatoryReformGroup@USPTO.GOV>
Subject: Suggestion for regulatory reduction

Dear Madam, Dear Sir,

as a proposal for regulatory reduction under Executive Order 13777, I would like to suggest the elimination of the application of 37 CFR §3.73(c) and Form AIA 96 to the original applicants named in patent applications subject to the AIA, which now comprise substantially all newly filed patent applications.

I submit that this provision is no longer routinely necessary for patent applications subject to the AIA, because patent applicants are entitled to prosecute applications in their own name under the AIA. The averment of entitlement is already contained in Form AIA 14 (application data sheet). Requiring an additional averment in AIA 96 is outdated and duplicative in view of the applicant being officially recognized under the law as a party to the proceedings before the USPTO from the very beginning.

Recordation of a chain of title via recorded assignments as required in Form AIA 96 is not a requirement under the AIA and imposes a completely unnecessary paperwork burden on applicants which receive all rights, title and ownership from the inventors automatically through their employer-employee relationship. In the event that ownership becomes an issue during examination of the application, the examiner can require submission of evidence to the extent needed to resolve the issue.

Presumptive recognition of an originally named applicant other than the inventor in patent applications is accepted virtually worldwide and is recognized under the Patent Cooperation Treaty without recordation of a chain of title. The undersigned is not aware of any significant problems associated with that practice, which has been in place for decades.

Respectfully submitted,

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