

Dear Sir or Madam,

Sometimes, the Examiner only rejects the independent claims; or, alternatively, makes a jumbled rejection where it is not clear what arguments apply to which claims. In these situations, the rules appear to put the burden on Applicants to provide separate arguments for patentability of each and every dependent claim. This is wasteful of the time of Applicants and of the Board. Moreover, it pushes Applicants into the position of having to make potentially prejudicial statements regarding claims, where the Examiner has not initially met the burden of providing a prima facie case of obviousness.

Where the grounds of argument are of the nature that the Examiner has failed to indicate what grounds of rejection apply to a group of claims, Applicants should simply be able to say this, without thereby risking that that group of claims stands or falls together.

Also, appeals are a fairly common procedure. Therefore, if the requirements for appeal briefs or the sequences or natures of actions by applicants are to be changed, notice should be mailed to each practitioner warning him or her of these changes.

Best regards,

Anne

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