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VIA FACSIMILE – 571-273-7735

March 16, 2006

Mail Stop Comments-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450,

Dear Commissioner Doll,

These comments are presented on behalf of a client of our firm, Grossman, Tucker, Perreault, & Pflieger, PLLC, in favor of the United States Patent & Trademark Office's Notice of proposed rule making entitled "Changes to Practice for Continuing Applications . . ." published on January 3, 2006, at 71 Fed. Reg. 48. As we will detail below, this client supports these rules.

Our client is a significant customer of the United States Patent & Trademark Office ("the Office"). In 2005, this client received numerous issued patents. In addition, we are currently prosecuting numerous of pending applications on behalf of this client. Each year this client pays substantial fees to the Office.

Our client's position regarding these proposed rule changes is as follows. The Federal Circuit has recognized the Office's authority to regulate continuation practice. The proposed rules are an appropriate exercise of that authority, in that they do not institute a numerical limit on the number of continued examination filings or a time limit on the filing of continuations. Applicants are afforded an opportunity to justify the third and later applications in a chain.

The proposed rules, in our client's view, will tend to reduce the pendency of patent applications. Increasingly long times before initial examination have concerned many practitioners. Five years to a first office action has gone from a rarity to a commonplace occurrence in certain classes. Reducing the time between filing and issuance of a patent will provide greater legal certainty to the public. Our client commends the Office on its choice to apply its finite examining resources toward faster examination of new applications rather than permitting the current emphasis on older applications.

Our client expects that the proposed rules would not affect the vast majority of our applications. Our client typically completes prosecuting the majority of applications

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without resorting to even two continued examination filings. Our client also feels that, in situations that do not warrant a second continued examination filing, applicants can still correct mistakes (and broaden claims where appropriate) through the reissue process.

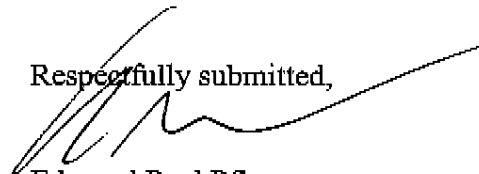
Our client also anticipates that the availability of one continued examination filing as a matter of right provides applicants ample opportunity (up to four office actions) to identify and claim what is regarded to be their invention. Our client's experience has shown that few original applications merit more than two continuations. Our client wishes to avoid the situation where a small group of original applications proliferates into a large number of applications that get priority and disproportionately contribute to the backlog.

Further, our client expects that the proposed rules will also reduce wasteful litigation, because the presence of continuations inhibits resolution through negotiations. Our client believes that under the current rules if the patentee has continuations still pending for a patent that it has asserted, the accused infringer cannot explain its non-infringement defense, because the patentee will merely re-write its claims of the continuation. At that point, the patentee may be motivated to sue when in fact the lawsuit may be misguided. By requiring that later continued examination filings be shown to be necessary, our client believes that the proposed rules will eliminate continuations merely being filed to cover products unknown at the time of the prosecution of the original application or the subsequently filed continuation that exists as of right. Greater legal certainty to negotiations between patent holders and others may result from the elimination of the not uncommon practice of a perpetual, unnecessarily delayed stream of continued examination filings. Our client approves of the greater legal certainty in licensing negotiations that will result from the Office preventing unnecessary delay during prosecution.

Lastly, our client generally supports the newly proposed rules to limit redundant patentably indistinct claims that waste examination resources. Our client believes such restrictions are necessary to avoid abusive filing tactics by applicants seeking to circumvent the proposed regulation of continued examination filings.

In conclusion, and on behalf of our client, we appreciate the advance notice and the opportunity to comment on the Office's proposed rule making. Our client believes that there are good practical and policy reasons behind the proposed regulation of continuation applications. Our client therefore urges the Office to enact the proposed rules without substantial revision.

Respectfully submitted,



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