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**From:** Simon Kahn [mailto:Simonk@powerdsine.com]

**Sent:** Thursday, January 26, 2006 7:28 AM

**To:** AB93Comments

**Subject:** Comments to Proposed Changes to Practice for Continuing Application

Dear Commissioner;

The revised rules would require that second or subsequent continuation include a showing as to why the amendment, argument or evidence presented could not have been previously submitted.

In many complex cases, having multiple claim sets, the applicant may for example "settle" with the examiner on one claim set, and cancel the remaining claims without prejudice. The remaining claims are then filed as a continuation.

In the event that the remaining claims comprise multiple claim sets, the procedure may again be followed, with a single claim set being "settled" with examiner and the balance being filed in a continuation.

Such a procedure allows for the issuance of one or more narrower patents, without the applicant being forced to abandon broader or different claims.

For example, in an application having claim sets addressed to an apparatus using an invention, a method using the invention, and a broad statement of the invention, applicants will only substantially argue the broad statement of the invention claims at the second continuation. This is necessary so as not to potentially lose the rights to the apparatus and method claims.

It is important therefore to allow for the continuation of such claim sets, without requiring a showing as to why these claim sets were not previously pursued. Alternatively, a showing should allow the statement that these claims were cancelled without prejudice in an effort to advance prosecution.

Very truly yours,

Simon Kahn

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