

-----Original Message-----

**From:** John Melius [mailto:johnmelius@comcast.net]

**Sent:** Monday, May 01, 2006 12:03 PM

**To:** AB93Comments

**Subject:** Thank you for considering these changes to the proposed rules

Let's look at the proposed package of rule changes in a "game theory" context. It is a given that the game will be played differently with different rules in place. It is not at all clear how the differences will play themselves out with the proposed changes since these are new rules. These proposed rule changes attempt to correct two major sets of problems: not having enough qualified and trained examiners to handle the work load, and a possible abuse of the use of continuations in the patent process. Both of these problems can be overcome without any changes to the rules of the USPTO with safe and sure solutions that will not affect the economic well being of the U.S. economy as may well happen with the proposed rule changes.

An appropriate number of qualified examiners can be attained through improved educational programs within the USPTO. The process for educating examiners has to be brought into the 21<sup>st</sup> Century through the use of classrooms, videos, and self-training programs. Many of the brightest examiner candidates could run through video programs at a substantially improved rate if presented the opportunity. The best SPE's could be recorded to produce a self-paced lesson which could even be studied at home. While such courses should be used in the USPTO, they could also be used at selected universities with the tests being scored with the approval of a testing group at the USPTO. Improving the patent examination skills of the brightest students in our culture is a benefit to the culture as a whole as well as to the USPTO. Testing could prove the quality of the examiner/candidates with a pay rate increase implemented upon completion of the course. The university-trained examiners could start at the higher pay grade and start working immediately in their respective art sections. This type of teaching/testing could be used to improve the pay grades and status for examiners of many different levels. We applaud the improvements that have been implemented. It is clear that more can be done on the education front to improve the numbers of qualified examiners. This would reduce pendency in a proven manner without any possible adverse effects on the patent system due to rule changes.

Let the economics of the patent system curtail the abusive use of continuations in the patent system. If a patent has outstanding economic potential and requires continuations in order to protect the new intellectual property, allow many possible continuations. However, these should increase dramatically in price with each new continuation to be fair to the general public as well as the patent applicant. This may take the form of a ten-fold increase in cost for every continuation after the first one. This would accelerate the desire to finish the patent before the rates became unusually high. A ten fold increase in each continuation would place an economic burden on anyone trying to submarine or

hide their patents from the marketplace. This extra income could be used to hire more examiners and thus decrease the work load needed by each examiner in order to accomplish a timely production of patents. With decreased work load, the retention of examiners would increase.

These two simple solutions, educating examiners more efficiently and dramatically raising the costs of continuations, would eliminate both the pendency problem and the unfair use of continuations in the USPTO without any risk to the system or the quality of the patents issued.

Thank you for considering these options when deciding what to do to improve performance in the USPTO with a safe set of changes such as improved education and raised continuation costs.

John Melius