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**From:** Alun Palmer [mailto:palmer@lacasse-patents.com]

**Sent:** Wednesday, January 04, 2006 10:02 AM

**To:** AB93Comments

**Cc:** elektros@mdo.net

**Subject:** Continuation practice

Dear Sirs,

The proposed changes in continuation practice would add further burdens to the applicant without in fact reducing any examination backlogs. The introduction of RCEs streamlined the process of continuing examination by avoiding filing an entirely new application, and this would represent a step backwards. Limiting applicants to one RCE without a petition would tend to lead to more ordinary continuations, plus a flock of useless petitions. The one thing it would not generate is a reduction in continuations (meaning RCEs and/or ordinary continuations taken together as a whole). The notion that it would do so is a fallacy, based on the idea that the regular examination process is always sufficient, save in those cases where an appeal is appropriate. That does not match this practitioner's experience.

What is needed is greater flexibility in resolving issues during the regular prosecution cycle. In short, major changes in 'after final' practice. The restrictions on amendments that may be made after a final office action force RCEs to be filed in a huge number of cases. The only effective way to reduce the need for RCEs is to allow applicants to make substantive amendments after final. The fact is that 'after final' practice, far from being a way to close out prosecution, is in reality the driving engine behind RCEs. Only when this is properly addressed will backlogs be reduced.

Of course, the greater problem is the diversion of funds by Congress, as I'm sure we all agree.

Regards, Alun Palmer, Reg. No. 47,838

These views are my own and do not necessarily represent those of the firm with which I am associated.

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