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From: ron rohde [mailto:calpatent@yahoo.com]
Sent: Tuesday, May 02, 2006 11:32 PM
To: AB93Comments
Subject: proposed rules on continuation practice

John Doll: Commissioner for Patents

RE: Continuation practice

Dear Commissioner Doll,

I am an independent inventor and a practicing patent attorney. It has been my experience that many rejections are based on lack of understanding by the examiner of either the invention, the prior art or both. However, I have also found that the examiners are very professional and fully capable of understanding both the prior art and invention.

This is not the fault of the examiner, the inventor, or even the practitioner. IT JUST TAKES TIME. However, the examiners have only a limited time "to come up to speed". It often takes one or more continuations before the examiner finally says "AHA!" of course it's allowable.

This only makes sense. It takes my inventor sometimes years to reach the AHA stage and months or years more to reduce the invention to actual practice. It often takes me about a week or more to reach the AHA and truly understand the invention. It only makes sense that it would take the examiner more than a few hours to understand both the invention and the prior art.

If you take away the continuations, we may often not get to the point where valid inventions are allowed. But you told us, "Don't just say no."

You asked for recommendations.

I have recommendations.

- 1) Give the examiners more time with an application. I know this is counter intuitive but consider: if the examiner gets it right the first time, that will save time spent re-learning the details of the application later.
- 2) Eliminate the review of allowed applications, if only temporarily. It isn't working. The time would be better spent examining new applications. It just means time spent trying to find something wrong, instead of trying to

- understand the application. Moreover, who better understands the application than the examiner who allowed it.
- 3) Continue hiring new examiners. Your presentation showed that hiring 900 new examiners each of the last two years has stopped the increase in time to first office action. We would be willing to put up with a stabilized state, if we have faith that it would get better. I am concerned that your master plan shows a decrease in hiring and a decrease in the total examiner force.
 - 4) Improve the working conditions for the examiners you have. Stop your losses. If you had not lost so many examiners the last two years, your hiring increases would have had twice the effect and we would already see improvements.
 - 5) Start by paying the examiners what you promised. Stop your losses.
 - 6) Increase hiring new examiners above the 900 per year. You've shown that you can assimilate 25% of the examiner force. 25% of the force should now be bigger number.

Sincerely

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