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**From:** Loughran, Emily [mailto:[eloughran@resadmin.ucla.edu](mailto:eloughran@resadmin.ucla.edu)]  
**Sent:** Wednesday, May 03, 2006 7:05 PM  
**To:** AB93Comments  
**Cc:** Lozofsky, Dina; Atchison, Kathryn; Wake, Claire  
**Subject:** Response to Proposed USPTO Rule Changes

Dear US PTO:

I am submitting these comments to two of the proposed rule changes on behalf of the University of California Los Angeles Office of Intellectual Property Administration:

#### 1/Continuation Application Limitation

As a University we have to balance the need to freely publish and disseminate information with the desire to protect intellectual property so that we may carry out our Bayh-Dole mission of moving technology to the commercial sector so that products may be developed for the public benefit. The proposed limitation on the filing of continuation applications would present a challenge to University technology transfer programs in that we would need to insure that we had a fully developed invention before filing a patent application. Discoveries in the University are iterative and with each discovery often a publication or presentation. A limitation on the filing of continuations and continuations-in-part would put Universities at a distinct disadvantage and present hardships that might not be felt by our industrial research counterparts.

#### 2/ Early Filing of Divisional Applications

The proposed rule change that would require the filing of divisional applications during the pendency of the first-filed application would present a great financial hardship on University technology transfer programs. We as a University technology transfer program often rely upon being able to spread out our patent prosecution cost over a long time line with the hope that we find a commercial partner to take on the patent expenses in the long run. The proposed requirement would ultimately force us to drop claim sets that have been restricted out if we are forced to start the prosecution process before a patent on the first claim set issues. This would result in the loss of potentially valuable inventions from which the public would then never have the opportunity to benefit.

Thank you for your consideration.

Sincerely,

Emily Loughran  
Director of Licensing