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Sent: Thursday, 25 March 1999 10:33
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Subject: Comment on 3/16 Rule 655(a) Amendments - 64 FR 12900

This is a purely personal public comment, per the PTO 3/16/99 published request for comments on a 37 CFR 1.655(a) amendment.

This appears to me to be an excellent and desirable rule clarification.

It is respectfully suggested that the published rule change language here as to "modifying" an interlocutory order further suggests an additional, related, desirable change within in the same rule language, namely, to change "the party ATTACKING the order" to --the party seeking the particular modification--.

There are two suggested reasons for this language suggestion. First, that it is not unheard of for more than one party to seek to differently modify, or to modify different parts of, the same interlocutory order. E.g., disputes over appropriate count language, or appropriate additions or removals of various different claims to be held subject to the interference. In such cases obviously the respective burdens at final hearings should be on the respective parties seeking the respective modifications, which the above language, or some version thereof, would accommodate. Secondly, the present word "ATTACKING" [as compared to, e.g., the more appropriate word "challenging"] is not the most desirable word to suggest or associate with desirable attorney conduct.

A Respectfully Submitted Purely Personal Suggestion,

Paul F. Morgan