

From: Melanie Kitzan Haindfield [melaniekh@gmail.com]

Sent: Thursday, February 25, 2010 2:22 PM

To: BPAI Rules

Subject: Comments regarding potential modifications to the final rules 37 CFR 41

Regarding 37 CFR 41.39 potential modifications (specifically (a)(2)), New ground of rejection:

The examiner should not be allowed to raise new grounds of rejection or submit new evidence to the Board in the Examiner's answer once the appeal brief has been filed. The examiner should provide a quality examination during the several rounds of prosecution that each application necessarily undergoes prior to reaching the stage of appeal. Both examiner and applicant resources are wasted by allowing an examiner to raise new grounds of rejection or submit new evidence to the Board during the appeal process, as certainly such rejection or evidence could have--and should have--been provided during the earlier rounds of prosecution. Such waste of resources in allowing new grounds of rejection to be raised also detracts from the efforts in attaining the shared goal of both the examiner and the applicant, namely that of finally disposing of the application on appeal. Furthermore, such gross inefficiencies are squarely opposed to the Paperwork Reduction Act, and represent an undue and unnecessary burden on the applicant for information collection.

Melanie K. Kitzan Haindfield, Ph.D., J.D.

Reg. No. 57, 397