

From: Mark E. Scott [mscott@conleyrose.com]
Sent: Friday, January 29, 2010 9:04 PM
To: BPAI Rules
Subject: Inconsistency between 41.37(r) and 41.37(s)

Proposed 41.37(r) uses the phrase "page and line or paragraph" when referring to how to cite to the specification, yet proposed 41.37(s) says only "page and line". The mechanism by which one cites to the specification should be the same as between these sections.

Moreover, independent and separately argued dependent means-plus-function claims will be included in the "Claim support and drawing section analysis section" according to proposed 41.37(r). The only thing proposed 41.37(s) adds is the requirement for reference numbers. It is suggested that the rules would be more clear, and ultimately Appeal Briefs shorter, if 41.37(s) is modified to say that, for means-plus-function claims in the "Claim support and drawing section" under 41.37(r) also include within the braces the reference numbers of the "structure, material or acts", rather than requiring a separate section.

All the best,
Mark