

From: James Longfellow

Sent: Monday, June 10, 2013 5:16 PM

To: AC85.comments

Subject: Comments regarding Changes to Implement the Patent Law Treaty, 78 FR 21788 (April 11, 2013)

Dear Mr. Bahr:

I would appreciate if the Office would provide clarification on the following concerning the proposed revision to Rule 1.704.

Under the revision, for an application to be in "condition for examination," it must include a compliant specification, compliant drawings, a compliant sequence listing (if applicable), and an oath or declaration or application data sheet providing the required information.

In some cases, however, compliance issues (including minor typographical or technical errors) come to light years into prosecution. For example, a sequence listing may be initially accepted by the Office, but the examiner or applicant later identifies an error during prosecution; the Office may first raise an error in a formal drawing after allowance; or an applicant may seek to correct a typographical error in a declaration during prosecution. If these issues affect "condition for examination," years of term reduction could result.

Will the Office notify applicants of deficiencies affecting "condition for examination" prior to the eight month deadline? Does a delay or failure by the Office to raise a deficiency eliminate the PTA reduction under proposed Rule 1.704(c)(11)? What is the PTA effect for deficiencies first raised by the Office or sua sponte corrected by the applicant after examination has begun?

In the final rule, please consider providing clarifications or revisions to ensure a disproportionate term penalty cannot result from a failure by the Office or an applicant to identify a compliance issue.

Thank you for your consideration.

Sincerely,

James P. Longfellow

Reg. No. 37,665