

From: william grecia

Sent: Thursday, December 13, 2012 3:04 PM

To: RCE outreach

Subject: RCE Outreach Feedback (elite case to study 13/397,517)

Applicant: William Grecia

USPTO Application: 13/397,517

RCE was filed just today (12/13/2012) from a Track 1 case where a reply under the After Final Consideration Pilot in accordance with 37 CFR 1.116(e) was requested and SPE refused it. My case has only 1 single reference preventing it from allowance where proper evidence under 1.116(e) including a proper statement on why it was not presented earlier was not respected nor considered as "evidence" in accordance to MPEP 2142.

(2) What change(s), if any, in USPTO procedure(s) or regulation(s) would reduce your need to file RCEs? - Respect for the After Final Consideration Pilot (AFCP) and more specially in my case is to respect MPEP 2142 which Examiner decided to discard only willing to accept a Swear Back Declaration.

(3) What effect(s), if any, does the USPTO's interview practice have on your decision to file an RCE? - Refusal to consider and allow my case based on facts submitted under the AFCP in accordance with 37 CFR 1.116(e) and threatening to submit a Advisory Action in disregard of MPEP 2142 that would destroy the strength of my case in respect to MPEP 2142.

(5) What actions could be taken by either the USPTO or applicants to reduce the need to file evidence (not including an IDS) after a final rejection? - Strict respect from signing Examiners of MPEP 2142.

(6) When considering how to respond to a final rejection, what factor(s) cause you to favor the filing of an RCE? - to protect the strength of my Invention I was forced to file an RCE in order to submit my single 37 CFR 1.116(e) evidence to force the SPE to consider it after refusing to do so under AFCP.

(7) When considering how to respond to a final rejection, what factor(s) cause you to favor the filing of an amendment after final (37 CFR 1.116)? - by having a extremely a strong evidence document filed within the PTO that satisfies MPEP 2142.

(10) What strategy/strategies do you employ to avoid RCEs? - Tried the AFCP but the SPE demanded a Swear Back Declaration which is not defined under 37 CFR 1.116 not MPEP 2142 as required to show facts of evidence to overcome a 103(a) rejection.

(11) Do you have other reasons for filing an RCE that you would like to share? - I needed to protect my Invention from an unethical attempt by the SPE to narrow my claims when the facts have proven without a reasonable doubt that my patent case is allowable today, so I had to file an unnecessary RCE, pay a fee as a Pro See that I can't afford and now wait possibly years just to have the same fact reviewed again as an IDS. SPE could have allowed the case and advised a submission of an IDS using the Quick Path Information Disclosure Statement (QPIDS) for the overcoming evidence but did not... I believe RCE will continue as old-school signing Examiners refuse to accept these helpful Pilot programs.