

From: Jeremy R. Kriegel [e-mail address redacted]
Sent: Wednesday, November 30, 2011 12:13 PM
To: aia_implementation
Subject: Third party submission of prior art for patent application

AIA amends 35 USC 122 by adding "(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES", but does not amend "(c) PROTEST AND PRE-ISSUANCE OPPOSITION", which required procedures to ensure that no protest "or other form of pre-issuance opposition to the grant of a patent on an application may be initiated after publication of the application without the express written consent of the applicant." Does this mean that pre-allowance third party submissions under 35 USC 122(e) subsequent to publication, but prior to the later of six months after publication or a first rejection, will additionally require express written consent by the applicant?

Respectfully,
Jeremy R. Kriegel
This comment should not be construed as being made on behalf of the law firm of Marshall, Gerstein & Borun or any clients thereof.

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