

11 November 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENT RE PROPOSED RULE 37 CFR 1.111(a) (2)

Sir:

Proposed Rule 111(a) (2) published in the Federal Register at Vol. 68 No. 177 (Friday, September 12, 2003) provides that a supplemental reply will not be entered as a matter of right except under very limited circumstances. The circumstances stated in the Rule are unduly limiting in that most all supplemental amendments are prohibited even where there may be no additional burden on the U.S. Patent and Trademark Office (the Office). Supplemental amendments are often helpful and advance the prosecution of the application. A good compromise on this issue is, for example, in PCT Regulation 66.4bis which states

"[a]mendments or arguments need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received after that Authority has begun to draw up that opinion or report."

This is a much more applicant friendly rule, can be used to prevent abuse of supplemental amendment practice and achieves the Office's objective of not interrupting the examining process.

Please reconsider and draft the above provision more in line with PCT Regulation 66.4bis.

Your response will be appreciated.

Respectfully submitted,  
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