

**From:** LSMT (Len Smith)  
**Sent:** Monday, October 06, 2008 10:37 AM  
**To:** ac27.comments  
**Cc:** REZG (Reza Green); LSME (Lauren Semeniuk); LSMT (Len Smith)  
**Subject:** Novo Nordisk's comments regarding Notice of proposed rulemaking published August 6, 2008 (73 FR 45662)

The Honorable Jon Dudas

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

Attention: Raul Tamayo, Legal Advisor, Office of Patent Legal Administration (OPLA)

Dear Sir,

Novo Nordisk, Inc. appreciates the opportunity to present our views concerning the proposed rule change published in the Federal Register at 73 Fed. Reg. 45662 (published August 6, 2008) ("the proposed rule") on behalf of Novo Nordisk A/S and all of its affiliates ("Novo Nordisk").

The proposed rule seeks to terminate the use of facsimile transmissions as a method for submitting correspondence that can also be submitted via EFS-Web.

While Novo Nordisk appreciate the strides the Office has made toward making EFS-Web a viable system for Office submissions, we believe that it is premature to terminate this important alternative means of submitting correspondence to the Office. It is the impression of Novo Nordisk that the EFS-Web system still remains less than completely reliable. It is also the view of Novo Nordisk that the Office should not terminate facsimile correspondence until EFS-Web can be demonstrated to operate at least 99% of the time without error for a period of at least 12 months.

We ask the Office to carefully consider these issues and to ultimately postpone the implementation of the proposed rules.

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**Len S. Smith**  
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