

Santamauro, Jon

From: halstr@PRTCNET.COM
Sent: Sunday, April 29, 2001 6:29 PM
To: scpcomments@uspto.gov
Subject: Docket no. 010307056-1056-01

Editorial: The concept of ownership of intellectual property as an individual right was established as a part of the Constitution of the United States of America and was a brilliant contrast to the concepts held by governments at that time about the rights of the governed. Until any government, even today, embraces the concept of ownership of intellectual property as an individual right, there is a serious deficiency in that government about its commitment to being a government of, by and for its people.

As a citizen of the United States, I am very favorably impressed by the codification of laws and the actions taken by the United States Patent Office to enhance individual ownership of intellectual property. I have a United States Patent that was assigned to my employer, and a United States Patent that I pursued following the release to me by my employer of my intellectual property.

Specifically about the Harmonization efforts, I shall answer in reply to paragraph numbers within Section 2. Issues for Public Comment within the subject Docket Number:

1. Priority of invention shall lie with the "FIRST TO INVENT".
A very famous patent was issued to Dr Charles Townes, the inventor of the LASER, after his claim to the invention was established. In a First to File legal system his anguished outcry about patenting that did not include him would have no legal standing. One should realise that only the original inventor would have the knowledge to prosecute a set of perfect claims.
2. Limitations of "useful arts" type have made the inventory of United States of America commercial products the largest in the world. Also, the economic participation is the widest in the world.
- 3.,4.,5.,and 6. I believe United States of America law to be the best law.
7. There appears to be a third way. Publication date appears to be desired date for establishment of "prior art" date of record in other legal systems. The United States of America will allow the filing date to be the date for establishment of "prior art" date of record if the patent is filed in English. Therefore, allow the date for establishment of "prior art" to be moved from the date of publication to the date of filing:
 - a.if the issuance of the patent is litigated and the patent is found to be valid, and
 - b.if as a part of the litigation the patent is printed in English. This admittedly adds to the cost of litigation, but, presumably, the patent is being litigated for economic benefit.
8. "Novelty and obviousness", not allowing for prior art,

should be the law. United States of America law should prevail.

9. A "GRACE PERIOD" similar to that in United States of America law, should be retained.
10. "Geographical limitations" permits a national system of inventions that strengthens national inventors. The purpose should not be to frustrate international commerce, but to reduce the cost of becoming a national inventor.
11. One year is a reasonable limit for secret commercial use of an invention prior to patenting.
- 12.,13.,14.,15.,16. I believe United States of America law to be the best law.
17. Intellectual property is the right of the inventor. Assignees have no right to be an inventor. For instance, the Chinese People's Republic Army is not an assignee having a right to submit a patent. Without a named applicant, an individual that can be found, no patent claims shall be allowed.

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From: halstr@prtcnet.com
Sent: Monday, April 30, 2001 1:20 PM
To: scpcomments@uspto.gov
Subject: [Fwd: Docket no. 010307056-1056-01]



Docket no.

010307056-1056-01

Noticing my letter, I realized I had not added my signoff. Since my Netscape forces me to send the identical letter once I have written it, please accept the letter and the signoff. If you can splice it onto the letter, and if it is even needed, thanks for your attention.

Yours

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