

**Santamauro, Jon**

**From:** andrew.j.anderson@kodak.com  
**Sent:** Tuesday, May 01, 2001 4:47 PM  
**To:** scpcomments@uspto.gov  
**Subject:** Request for Comments on International Harmonization of Patent Laws

From: Andrew J. Anderson

Attn: Mr. Jon P. Santamauro

Thank you for the opportunity to comment on the ongoing efforts with respect to international harmonization of patent laws. I would like to comment specifically with respect to topic #8, relating to prior art effect of earlier applications, as part of a harmonized patent system:

I suggest consideration of the position that while an individual prior filed, later published patent/application may be considered in combination with other types of prior art for obviousness as well as novelty determinations in a later filed application, two of such prior filed, later published patents/applications may not be combined to establish obviousness of a later filed claimed invention.

The rationale for such position would be that a prior filing applicant should not be subject to a subsequent filing applicant's claims covering obvious extensions based on what was actually otherwise publicly available at the time of the prior filing, while a subsequent filing applicant should not be subject to obviousness determinations based on combinations of multiple separate "secret" prior art filings.

Sincerely,  
Andrew J. Anderson