

April 15, 2003

To the Honorable Commissioner of Patents
Washington, D.C.

Sir:

I wish to enter comments concerning my objection to one of the proposed changes to 37 CFR 1.121 noticed at F.R. 14365 (Mar. 25, 2003) concerning the manner of making amendments. The period for submission of comments closes April 24, 2003.

In the notice published in the Federal Register The Office state:

"In order to promote uniformity and consistency of practice, the Office, in the proposed changes to section 1.121 would require applicants to utilize only strikethrough for deleted subject matter and underlinings for added subject as markings to show changes made. No other markings will be permitted."

While most word processing software easily allows for text to be underlined, strikethrough provisions in many word processing programs are somewhat more cumbersome to make permanent, such provisions being used by most word processing software in a temporary fashion, as in compare documents and track changes functions. In attempting to provide the Office with compliant amendments using the proposed new format I have found it necessary to pre-write all of my amendment that will not be modified by a strikethrough before engaging the features of the software that enable the required strikethrough because strikethrough text must saved in a counter-intuitive manner in some word processing programs. Thus I write all of my amendment first and then make my proposed changes by turning on a track changes feature. This is cumbersome for me and actually multiplies my work as a practitioner. More sophisticated computer users may find easier solutions to this issue but I would like to propose that the rule not be so restrictive and in addition to the method of making changes proposed, that the previously acceptable method of making changes continue to be allowed, to wit deletions indicated by brackets and additions by underlining. While I understand the desire of the Office for uniformity and consistency of practice, this abstract aspiration of the Office may actually increase costs to inventors by increasing the costs of practitioners in preparing compliant amendments. If this is the case, such a proposal should be more thoroughly justified by more than an aspirational statement.

I wish to note that my comments are my own personal comments and do not in any way reflect the position of my employer, General Electric Company.

I wish to thank the Office for the opportunity to submit comments on this proposed revision to 37 CFR 1.121.

Respectfully submitted,

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