

July 26, 2001 **HAROLD R. BROWN III**  
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Box Comments--Patents  
Commissioner for Patents  
Washington, DC 20231

Attn.: Eugenia A. Jones

Re: Proposal to Eliminate CPA Practice

To whom it may concern:

This is to express the view that, contrary to the Office's view expressed in the Federal Register at Page 35763, CPA practice is not redundant in view of RCE practice. From the applicant's point of view, its elimination would be costly and inefficient.

Elimination of CPA practice is likely to most significantly affect those applicants who wish to file a CPA in an application originally filed before November 29, 2000, to eliminate prior art under Section 102(e)/103(c) and those applicants who wish to have an application publication be prior art under Section 102(e)(1). The CPA is a convenient means of accomplishing these results, particularly when there has already been substantial prosecution in the case. Simply filing an RCE in a case filed before November 29, 2000, does not result in a new application and the old Sections 102(e) and 103(c) apply.

Without CPA practice, for prosecution to pick up substantially where it left off in the parent case in a case where there have been amendments, the applicant must file a continuation under Section 1.53(b) and prepare a preliminary amendment that will include all of the amendments previously submitted. Depending upon the case, this can be an extremely large task.

Please let me know if I can answer any questions.

Very truly yours,

Harold R. Brown III

HRB  
Enclosure (Disk copy of letter)