

Sir:

With regard to amendment of 37 CFR 1.251 in which the USPTO will set a time period within which applicant must provide a copy of the file history:

(1) how will the USPTO realize that a file has been lost? These days, it is taking approximately one year to receive Office Actions from certain Group Art Units (i.e. 1750).

(1) what constitutes a "..reasonable search" by the USPTO? How much time will the USPTO allow to lapse before applicant is given notice that the file has been lost?

(2) what is the length of the "time period" within which applicant must supply the file history?

(3) after applicant has supplied a copy of the file history within this time period, how long will it take to receive action?

While I realize that the USPTO receives thousands of pieces of mail each day and has a monumental task of keeping track of all correspondence, I also believe that the USPTO should accept some responsibility for losing a file. That is, if applicant is expected to reconstruct a file that the USPTO has lost, I suggest that applicant be compensated for its time and expense to do so. For example, the USPTO can credit applicant's deposit account for \$110 or \$130, or credit an amount against further expenses, i.e. petitions, issue fees, etc.