

From: dfreyberg@telik.com  
Sent: Monday, August 25, 2003 4:54 PM  
To: AB63 Comments  
Subject: Comment on proposed rules on power of attorney practice [Docket No. 2003-P-019]

I am the (recently employed) sole patent attorney in a small company, which employs a law firm to prosecute and maintain its patent portfolio.

Prior to my joining the company, the procedure was that the company, having received an assignment from the inventors, would grant a power of attorney to the Customer Number associated with the law firm. Now, however, I would also like to be an attorney of record so that I may interact directly with the Office.

However, the proposed 37 CFR 1.32(b) would force the company to choose between naming a list of practitioners under 1.32(b)(2)(ii) - which, if it included me, would be limited to only nine of the practitioners employed by our outside counsel (and would become "stale" as practitioners join and leave the firm) - or naming only the law firm by using their Customer Number under 1.32(b)(2)(iii). Also, revocation of present 1.34(b) would prevent my being named as an associate attorney of record. My obtaining a Customer Number for the company would not solve the problem, because proposed 1.32(b) allows recognition of only one Customer Number.

Though this does not apply to my company, I am aware that other patent applicants retain principal outside counsel local to them and other outside counsel in the Washington DC area, with these DC-area counsel being available to interact with the Office in person, and that it is desirable for the DC-area counsel to be of record to be able to review files, conduct interviews, etc. without needing a specific power of attorney in each application in which they may act.

While I understand that the Office can reasonably expect to deal with only one correspondence address, I believe it would not be an undue burden on the Office to permit applicants to grant powers of attorney both by name (e.g. an in-house attorney/agent) and by Customer Number (e.g. a law firm), or under two or more Customer Numbers (e.g. local and DC-area law firms), and that this liberalization of the proposed rule would be beneficial to the applicant community.

I therefore propose that 1.32(b)(2) be written to allow a power of attorney to name as agent either:

- (i) One or more joint inventors (Section 1.45), or
- (ii) Up to ten registered patent attorneys, registered patent agents, other individuals authorized to practice before the United States Patent and Trademark office in patent matters, or groups of registered patent practitioners associated with Customer Numbers.

Respectfully submitted,  
Derek P. Freyberg