

From:**Sent:** Tuesday, May 04, 2010 10:43 AM**To:** extended_missing_parts**Subject:** The proposal, while well-intentioned, is overly complex and burdensome

Dear Ms. Eugenia Jones,

It would be a great benefit to inventors, especially independent inventors and small companies to defer the cost of prosecution and examination for a few years after the filing date. I understand that there are issues with international treaties if the 12-month period for provisional applications is changed.

The best and simplest way to do this is to allow for deferred examination. In other words, defer examination until payment of the examination fee and the search fee and allow two to five years before this must be done. Japan, for example, has traditionally allowed the examination fee to be deferred for up to five years. By deferring the examination and search fees, the US Office will immediately see a reduction in the backlog of pending cases. This reduction will grow over time because many of the deferred examination cases will be abandoned later by not paying these fees. The longer the time allowed to pay the fees, the more likely it is that a case will be abandoned. By collecting the filing fee but not the examination and search fees, the Office's expenses will still be covered. Of course, there should be no search or examination until after those fees are paid.

The examination and search fees have already been separated from the other fees, so I expect that the deadline for paying the examination fee and the time for examining applications can be modified within the USPTO's rulemaking authority.

As for publication, there is no reason to require publication and I do not see one expressed in the Office's comments. Publication is helpful in some cases and bad in others. Publication should not be affected by this rule change. Requiring publication may greatly reduce the number of inventors who take advantage of the rule change. This is because, the inventors who most want to avoid publication tend to be those whose products are not yet on the market. Those are the same inventors that the rule seeks to benefit.

Thank you for your attention, I have been prosecuting patents for over 20 years both in-house and as outside counsel for large corporations and individual inventors.

Sincerely,
Gordon Lindeen
Blakely, Sokoloff, Taylor and Zafman
Stanford Place One
8055 East Tufts Avenue, Suite 1300
Denver, Colorado 80237
gordon_lindeen@bstz.com
(303) 740-1980
(303) 740-6962 Fax
<http://www.bstz.com>