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General Comment
(1) PTO does not propose to notify applicant that there has been a
third party submission until the examiner issues the next office
action (which, in my experience could be a very long time). It would
further the purposes of the statute and the rule (ie, increase
efficiency and quality) to notify the applicant separately and timely
so that an appropriate amendment and/or statement (eg, by way of
suppl amendment/remarks) may be submitted as soon as possible.
Certainly could expedite examination.

(2) PTO proposal is to delete S1.99 which allows third party to
submit references without comment. If that section is delteted then
under new rule 1.290 and old 1.291, one would have to provide
comments. However, in some instances it may be of strategic value not
to comment and to allow the examiner to consider without any
direction. Therefore, consider commenting on retaining S1.99.

(3) Ask PTO to provide some guidance about what criteria PTO will
apply to determine if explanation has been appropriately "concise".
For example, in third party comments that are highly fact-specific
(eg, 112-1, 103, etc) may need some detailed underlying scientific
explanation, perhaps from expert(?). How does the party comply with
the rule/statute?

(4) The document listing requirements are very detailed and precise
and are to be in compliance with S122 AND "with this section" , ie
the rule. And if the submission is non-compliant in any way, no
refund is provided and the PTO is not (at present) obligated to
provide notice of non-compliance What types of mistakes would still
result is a compliant listing? It would further the purposes of the
statute and the rule (ie, increase efficiency and quality) to notify
third party of non-compliance and allow for some error as long as the
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