

From:
Sent: Monday, May 10, 2010 12:42 PM
To: extended_missing_parts
Subject: Comments

This is a needed procedure that will assist both the Patent Office and your customers.

Third parties that are interested in following the progress of a “suspect” patent application in their industry will not like the added delay in examination that this proposal implements, but these parties are generally assisted in the publication of the subject application under these proposed rules where they can follow the progress of such cases.

A clarification of how this proposal effect patent term extensions would also be helpful (it is assumed that time granted under this “extension” would count against any patent term extension due to the patentee due to office delays).

The time extension granted is not clear as to when the 12 months delay for filing the search and examination and claims fees (and additional surcharge fee) starts? From the regular filing date or from the response to a notice of missing parts where the applicants file only the oath or declaration and the basic fee (in cases NOT having a non-publication request)?

As this is implemented with cases that do not have a NON-PUBLICATION REQUEST, AND the Patent Office feels there is an advantage to publication, would it be easier to implement this procedure with Request for (early) publication, and the associated fee? For example, in all cases in which a request for early publication is timely filed the search and examination and claims fees (and additional surcharge fee) may be deferred until 12 months (from filing or from the submission of the timely request? (I am not sure what was intended).

Regardless of the format of the implementation of this proposal – it is a generally good idea that serves to help all sides in this matter.

Regards;

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