

From: Kettelberger, Denise M. [redacted]  
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To: AC56.comments  
Subject: Comment on Proposed Rules

I wholeheartedly support the proposed changes to 37 CFR Section 1.701(a)(3). In many cases, the filing of a Notice of Appeal and/or Appeal Brief helps to better focus the Examiner/SPE and the Applicant on specific patentability issues that can be resolved. The ability to resolve patentability issues without the need to file an RCE/Continuation and with potential for positive rather than negative term adjustment on resolution will be a great boon to those applications where a "meeting of the minds" between the Examiner and applicant doesn't occur after the first office action and response.

Another step that might be taken to help correct the inequity of prolonged examination and loss of patent term would be to take away the Applicant's need to file continuing applications. This need would be lessened by requiring examiners to review and enter into the record amendments and evidence filed in response to a first or final rejection and taking away the Examiner's now standard position when making a new rejection final response to an amendment: "The amendment to the claims necessitated the new grounds of rejection, therefore this rejection is made final." Once the Applicant has had a chance to respond to new rejections raised by the Examiner, the case is in a better position for timely resolution by negotiation with the examiner or on appeal, and further protected by the proposed new rule for term adjustment if allowed by the Examiner after Notice of Appeal.

I further support the proposed changes to 37 CFR Section 1.704(d) enabling a patent applicant to timely file a required IDS with art cited by a foreign patent office without penalty in potential term adjustment. The need for this change is readily apparent.

Thank you,  
Denise Kettelberger

Denise M. Kettelberger, PhD, JD  
Special Counsel  
Phone: +1 612 766 7181  
Email: [redacted]  
faegre.com<<http://www.faegre.com>> | download  
vCard<<http://www.faegre.com/vcard/dkettelberger.vcf>>

  
FAEGRE & BENSON LLP<<http://www.faegre.com>> 2200 Wells Fargo Center 90 South 7th Street  
Minneapolis, MN 55402-3901, USA