



UNITED STATES PATENT AND TRADEMARK OFFICE

GENERAL COUNSEL

APR - 4 2006

Ms. Deborah A. Logan, Esq.
1000 Beverly Lane
Newtown Square, PA 19073

Re: Freedom of Information Act (FOIA) Request No. 06-159

Dear Ms. Logan:

The Office of General Counsel received your March 07, 2006, e-mail requesting, pursuant to the Freedom of Information Act (5 U.S.C. § 552), a copy of: "Any and all documents in any manner related to these two proposed rules and any studies, investigation, correspondence to any party as to the Regulatory Flexibility Act in the possession, custody and control of the USPTO."

The United States Patent and Trademark Office (USPTO) identified 32 pages of documents that are responsive to your request. A copy of this material is enclosed. Note that 20 of these pages were redacted pursuant to Exemption 5, FOIA. The Agency also identified an additional 144 pages of draft documents, which were withheld in their entirety pursuant to Exemption 5.

Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), protects an agency's deliberative process privilege. Mapother v. Dep't of Justice, 3 F.3d 1533, 1537 (D.C. Cir. 1993). The privilege applies to documents which reflect "advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 150 (1975), quoting Carl Zeiss Stiftung & Co. v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 324 (D.D.C. 1966).

Here, the withheld information consists of inter-agency communications containing the recommendations and opinions regarding proposed agency actions, i.e., "antecedent to the adoption of an agency position" Jordan v. Dep't of Justice, 591 F.2d 753, 774 (D.C. Cir. 1978) (en banc), and deliberative, i.e., "a direct part of the deliberative process in that it makes recommendations or expresses opinions on legal or policy matters." Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975). The redacted information consists of predecisional, deliberative internal communications segregated from releasable data. The 144 pages of withheld documents consist entirely of draft versions of both the rules and Regulatory Flexibility Act statements. Draft documents are by their nature predecisional and deliberative and consequently not eligible for disclosure through the FOIA.

Predecisional, deliberative documents "are at the heart of Exemption 5, and sanctioning release of such material would almost certainly have a *chilling effect* on candid expression of views by subordinates [within an agency]." Schell v. Dep't of HHS, 843 F.2d 933, 942 (6th Cir. 1988) (emphasis added). In particular, disclosure of documents reflecting the positions discussed, but not ultimately adopted as agency decisions are deliberative, and thus exempt from disclosure. Fulbright & Jaworski v. Dep't of the Treasury, 545 F. Supp. 615, 621 (D.D.C. 1982).

Since costs in processing this request did not exceed \$20.00, applicable fees are waived. See 37 C.F.R. § 102.11(d)(4).

The withholding of information pursuant to Exemption 5 of the FOIA constitutes a partial denial of your request for records under the FOIA. The undersigned is the denying official. You have the right to appeal this initial decision to the Deputy General Counsel, United States Patent and Trademark Office, P.O Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 30 calendar days from the date of this letter. See 37 C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked "Freedom of Information Appeal."

Sincerely,



Michael Briskin
FOIA Officer

Enclosure

Refile Report

Small Entity - Fiscal Year 2005

Compiled via ExPo for all types of filings - TC Filings are not official and will not total to official filings

	Divisional	DCPA	% DIV & DCPA of Total Filings	Continuation	ACPA	RCE	R129	% CON, ACPA, RCE & R129 of Total Filings	CIP	% CIP of Total Filings	NST	% NST of Total Filings	Serialized Filings	Total Filings
1800	850	0	6.5%	1,797	0	2,014	1	29.3%	1,087	8.4%	1,616	12.4%	11,000	13,015
1700	595	0	5.3%	801	0	1,158	0	17.5%	805	7.2%	1,110	9.9%	10,029	11,187
2100	169	0	2.8%	562	0	1,076	0	27.1%	359	5.9%	269	4.5%	4,958	6,034
2800	293	0	3.2%	679	0	805	0	16.1%	653	9.2%	428	4.6%	8,427	9,232
2800	671	0	4.4%	1,104	0	1,192	0	15.1%	1,112	7.3%	914	6.0%	14,010	15,202
3600	612	0	2.9%	1,207	0	2,283	0	16.3%	1,428	6.7%	1,103	5.2%	19,033	21,296
3700	820	0	3.1%	1,734	0	2,255	1	15.1%	2,124	8.1%	1,571	6.0%	24,107	26,363
TCs	4,010	0	3.9%	7,884	0	10,763	2	18.2%	7,768	7.6%	7,011	6.9%	91,564	102,329
Other	2	0	0.1%	10	0	1	0	0.7%	3	0.2%	1,313	85.0%	1,544	1,545
UPR	4,012	0	3.9%	7,894	0	10,764	2	18.0%	7,771	7.5%	8,324	8.0%	93,108	103,874

Refile Report

Fiscal Year 2005

Compiled via ExPo for all types of filings

	Divisional	DCPA	% DIV & DCPA of Total Filings	Continuation	ACPA	RCE	R129	% CON, ACPA, RCE & R129 of Total Filings	CIP	% CIP of Total Filings	NST	% NST of Total Filings	Serialized Filings	Total Filings
1600	2,901	0	8.1%	5,050	0	5,884	5	30.3%	1,894	5.3%	6,542	18.2%	30,119	35,988
1700	3,127	0	6.6%	3,334	0	7,458	1	22.7%	2,094	4.4%	7,137	15.0%	40,008	47,467
2100	934	0	2.6%	3,072	0	8,444	1	31.5%	1,046	2.9%	1,531	4.2%	28,174	36,619
2600	1,958	0	3.5%	4,710	0	7,452	0	22.0%	1,696	3.1%	3,666	6.6%	47,856	55,308
2800	5,858	0	8.7%	6,154	0	10,334	0	19.6%	2,567	3.1%	8,412	7.6%	73,621	83,955
3600	1,549	0	3.3%	2,849	0	6,679	0	20.1%	2,296	4.8%	3,995	8.4%	40,739	47,418
3700	2,233	0	3.9%	4,337	0	6,522	1	19.1%	3,348	5.9%	5,132	9.0%	50,478	57,001
TCs	18,380	0	5.0%	29,508	0	52,753	8	22.6%	14,941	4.1%	34,415	9.5%	310,995	363,756
Other	10	0	0.2%	44	0	5	0	0.8%	13	0.2%	4,853	80.3%	6,041	6,046
UPR	18,370	0	5.0%	29,550	0	52,758	8	22.3%	14,954	4.0%	39,268	10.6%	317,036	369,802

* Data last updated on 11/12/2005

* Keys on effective receipt date, not filing date.

Refile Report

Large Entity - Fiscal Year 2005

Compiled via ExPo for all types of filings - TC Filings are not official and will not total to official filings

	Divisional	DCPA	% DIV & DCPA of Total Filings	Continuation	ACPA	RCE	R129	% CON, ACPA, RCE & R129 of Total Filings	CIP	% CIP of Total Filings	NST	% NST of Total Filings	Serialized Filings	Total Filings
1600	2,051	0	8.9%	3,253	0	3,850	4	30.9%	807	3.5%	4,926	21.4%	19,119	22,973
1700	2,532	0	7.0%	2,533	0	6,300	1	24.3%	1,289	3.6%	6,027	18.8%	29,979	36,280
2100	765	0	2.5%	2,510	0	7,368	1	32.3%	687	2.2%	1,262	4.1%	23,216	30,585
2600	1,865	0	3.6%	4,031	0	6,647	0	23.2%	843	1.8%	3,238	7.0%	39,429	46,076
2800	4,987	0	7.3%	5,050	0	9,142	0	20.6%	1,455	2.1%	5,498	8.0%	59,611	68,753
3600	937	0	3.6%	1,642	0	4,416	0	23.2%	868	3.3%	2,892	11.1%	21,706	26,122
3700	1,413	0	4.8%	2,603	0	4,267	0	22.4%	1,224	4.0%	3,561	11.6%	26,371	30,638
TCs	14,350	0	5.5%	21,622	0	41,990	6	24.3%	7,173	2.7%	27,404	10.5%	219,431	261,427
Other	8	0	0.2%	34	0	4	0	0.8%	10	0.2%	3,540	78.6%	4,497	4,501
UPR	14,358	0	5.4%	21,656	0	41,994	6	23.9%	7,183	2.7%	30,944	11.6%	223,928	265,928

Entity-Based RCE - R129 - CPA Filing Counts in Applications					
FY	Applications Filed with				Total RCEs-CPAs-R129s Filed
	1st CPA-RCE	2nd CPA-RCE	3rd CPA-RCE	4th+ CPA-RCE	
2002	28,020	5,268	1,095	389	34,772
2003	34,530	5,894	1,263	490	41,977
2004	37,409	6,750	1,324	473	45,956
2005	42,844	7,762	1,615	545	52,766

Entity-Based Consecutive Continuations Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs Filed in FY
		First CON	CON of a CON	CON of a CON of a CON+	
2002	291,242	19,683	3,791	2,137	25,611
2003	293,542	20,623	3,408	2,103	26,134
2004	311,060	22,534	3,484	1,983	28,001
2005	317,078	23,413	3,994	2,151	29,558

Consecutive Continuations/CIPs Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs/CIPs Filed in FY
		First CON/CIP	CON/CIP of a CON/CIP	CON/CIP of a CON/CIP of a CON/CIP+	
2002	291,242	28,475	8,333	5,220	40,028
2003	293,542	29,608	8,254	4,836	40,698
2004	311,060	31,701	6,517	4,735	42,953
2005	317,078	32,524	6,832	4,956	44,315

Quick Summary			
RCE - R129 - CPA Filing Counts in Applications			
FY	1st CPA-RCE	2nd+ CPA-RCE	Total RCEs-CPAs-R129s Filed
2002	28,020	6,752	34,772
2003	34,530	7,447	41,977
2004	37,409	8,547	45,956
2005	42,844	9,922	52,766
Continuations Filed in Applications			
FY	First CON	2nd+ CON	All CONs Filed in FY
2002	19,683	5,928	25,611
2003	20,623	5,511	26,134
2004	22,534	5,467	28,001
2005	23,413	6,145	29,558
Continuations/CIPs Filed in Applications			
FY	First CON/CIP	2nd+ CON/CIP	All CONs/CIPs Filed in FY
2002	28,475	11,553	40,028
2003	29,608	11,090	40,698
2004	31,701	11,252	42,953
2005	32,524	11,791	44,315

Small Entity RCE - R129 - CPA Filing Counts in Applications					
FY	Applications Filed with				Total RCEs-CPAs-R129s Filed
	1st CPA-RCE	2nd CPA-RCE	3rd CPA-RCE	4th+ CPA-RCE	
2002	5,722	963	195	88	6,968
2003	6,454	983	215	85	7,747
2004	7,250	1,134	205	74	8,663
2005	8,970	1,430	256	110	10,766

Small Entity Consecutive Continuations Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs Filed in FY
		First CON	CON of a CON	CON of a CON of a CON+	
2002	87,813	5,416	860	354	6,630
2003	89,871	5,914	989	464	7,367
2004	93,206	6,334	1,105	443	7,882
2005	93,128	6,341	1,051	508	7,900

Small Entity Consecutive Continuations/CIPs Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs/CIPs Filed in FY
		First CON/CIP	CON/CIP of a CON/CIP	CON/CIP of a CON/CIP of a CON/CIP+	
2002	87,813	9,860	2,318	1,641	13,819
2003	89,871	10,674	2,440	1,725	14,839
2004	93,206	11,054	2,642	1,813	15,509
2005	93,128	11,005	2,541	1,928	15,474

Small Entity Quick Summary			
RCE - R129 - CPA Filing Counts in Applications			
FY	1st CPA-RCE	2nd+ CPA-RCE	Total RCEs-CPAs-R129s Filed
2002	5,722	1,246	6,968
2003	6,454	1,293	7,747
2004	7,250	1,413	8,663
2005	8,970	1,796	10,766
Continuations Filed in Applications			
FY	First CON	2nd+ CON	All CONs Filed in FY
2002	5,416	1,214	6,630
2003	5,914	1,453	7,367
2004	6,334	1,548	7,882
2005	6,341	1,559	7,900
Continuations/CIPs Filed in Applications			
FY	First CON/CIP	2nd+ CON/CIP	All CONs/CIPs Filed in FY
2002	9,860	3,959	13,819
2003	10,674	4,165	14,839
2004	11,054	4,455	15,509
2005	11,005	4,469	15,474

Large Entity RCE - R129 - CPA Filing Counts in Applications					
FY	Applications Filed with				Total RCEs-CPAs-R129s Filed
	1st CPA-RCE	2nd CPA-RCE	3rd CPA-RCE	4th CPA-RCE	
2002	22,298	4,305	900	301	27,804
2003	28,076	4,701	1,048	405	34,230
2004	30,159	5,616	1,119	399	37,293
2005	33,874	8,332	1,359	435	42,000

Large Entity Consecutive Continuations Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs Filed In FY
		First CON	CON of a CON	CON of a CON of a CON	
2002	203,629	14,267	2,931	1,783	18,981
2003	203,671	14,709	2,419	1,639	18,767
2004	217,854	16,200	2,379	1,540	20,119
2005	223,950	17,072	2,943	1,843	21,658

Large Entity Consecutive Continuations/CIPs Filed in Applications					
FY	Newly Serialized Applications Filed	Continuity Claim: This application is a:			All CONs/CIPs Filed In FY
		First CON/CIP	CON/CIP of a CON/CIP	CON/CIP of a CON/CIP of a CON/CIP	
2002	203,629	18,615	4,015	3,579	26,209
2003	203,671	18,934	3,814	3,111	25,859
2004	217,854	20,847	3,875	2,922	27,444
2005	223,950	21,519	4,291	3,031	28,841

Large Entity Quick Summary			
RCE - R129 - CPA Filing Counts in Applications			
FY	1st CPA-RCE	2nd CPA-RCE	Total RCEs-CPAs-R129s Filed
2002	22,298	5,506	27,804
2003	28,076	6,154	34,230
2004	30,159	7,134	37,293
2005	33,874	8,126	42,000
Continuations Filed in Applications			
FY	First CON	2nd CON	All CONs Filed In FY
2002	14,267	4,714	18,981
2003	14,709	4,058	18,767
2004	16,200	3,919	20,119
2005	17,072	4,586	21,658
Continuations/CIPs Filed in Applications			
FY	First CON/CIP	2nd CON/CIP	All CONs/CIPs Filed in FY
2002	18,615	7,594	26,209
2003	18,934	6,925	25,859
2004	20,847	6,797	27,444
2005	21,519	7,322	28,841

Bahr, Robert

From: Brown, Peter Toby
Sent: Thursday, October 13, 2005 12:06 PM
To: Bahr, Robert
Cc: Young, Karen
Subject: 1 of 3 -- Claims Breakdown - Indp by Entity 2005-10.xls



Claims Breakdown -
Indp by Ent...

Independent Claims in Cases Received 1/1/2005+

Independent Claims	Total # of Cases	Large Entity	Small Entity
1	49,894	32,310	17,584
2	50,371	34,717	15,654
3	63,604	45,290	18,314
4	24,439	18,144	6,295
5	10,392	7,365	3,027
6	7,123	5,330	1,793
7	3,250	2,336	914
8	2,352	1,726	626
9	1,396	982	414
10	984	686	298
11	525	347	178
12	537	382	155
13	292	191	101
14	243	166	77
15	176	114	62
16	158	100	58
17	88	47	41
18	96	69	27
19	60	30	30
20	55	35	20
21	28	18	10
22	31	18	13
23	28	16	12
24	29	17	12
25	27	13	14
26	16	9	7
27	16	14	2
28	13	7	6
29	7	6	1
30	8	7	1
31	10	6	4
32	13	11	2
33	12	5	7
34	6	4	2
35	2	2	0

36	3	1	2
37	1	0	1
38	1	1	0
39	3	0	3
40	6	5	1
41	3	1	2
42	3	2	1
43	2	2	0
44	1	0	1
45	1	1	0
46	2	0	2
47	4	1	3
48	2	1	1
49	1	1	0
50+	13	6	7
TOTAL	216,327	150,542	65,785
		Max = 74	Max = 57

Petitions to Make Special - Accelerated Examination

	Fiscal Year UPR Petition Filed			
	FY 03 (or earlier)	FY 04	FY 05	Grand Total
Number of Undecided Petitions for Accelerated Examination VIII	0	0	61	61
Number of Granted Petitions for Accelerated Examination VIII Awaiting First Action	4	32	207	243
Total Number of Initial (Still Undecided) and Decided Acceleration Examination VIII Petitions	545	611	1,224	2,380

	Fiscal Year UPR Petition Filed			
	FY 03	FY 04	FY 05	Grand Total
Denied	42	29	41	112
Dismissed	89	103	383	575
Granted	414	479	739	1,632
Pending	0	0	61	61
Grand Total	545	611	1,224	2,380

TC		Fiscal Year UPR Petition Filed		
		FY 03	FY 04	FY 05
1600	VIII Petitions Granted with Later First Action Present	25	66	80
	Average Days from Petition Filing to First Action	413.7	270.0	108.5
1700	VIII Petitions Granted with Later First Action Present	16	27	25
	Average Days from Petition Filing to First Action	259.6	255.4	122.8
2100	VIII Petitions Granted with Later First Action Present	66	78	195
	Average Days from Petition Filing to First Action	252.3	229.9	137.1
2600	VIII Petitions Granted with Later First Action Present	97	84	85
	Average Days from Petition Filing to First Action	270.7	226.9	144.9
2800	VIII Petitions Granted with Later First Action Present	58	44	34
	Average Days from Petition Filing to First Action	224.9	240.9	128.6
3600	VIII Petitions Granted with Later First Action Present	70	69	53
	Average Days from Petition Filing to First Action	335.3	240.5	152.4
3700	VIII Petitions Granted with Later First Action Present	67	57	31
	Average Days from Petition Filing to First Action	225.8	236.8	162.0
VIII Petitions Total		399	425	503
Average Total		273.3	240.8	135.7

AIPLA

**Report of the
Economic Survey**

2003

**PREPARED UNDER DIRECTION OF
LAW PRACTICE MANAGEMENT COMMITTEE**

American Intellectual Property Law Association

2001 Jefferson Davis Highway, Suite 203
Arlington, Virginia 22202
www.aipla.org

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04/04/2006
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Table 21. Typical Charges by Location of Primary Place of Work (continued)

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
TRADEMARK SECTION 8 AND 15 DECLARATION (PREPARATION AND FILING)														
Number Reporting	435	17	21	22	37	46	20	15	34	9	90	30	45	49
% of total		4%	5%	5%	9%	11%	5%	9%	8%	2%	21%	7%	10%	11%
75th percentile	\$499	\$451	\$601	\$526	\$498	\$498	\$500	\$449	\$500	\$352	\$398	\$501	\$498	\$502
Median	\$348	\$299	\$499	\$513	\$376	\$302	\$301	\$299	\$375	\$325	\$300	\$399	\$398	\$301
25th percentile	\$250	\$248	\$398	\$398	\$299	\$250	\$250	\$196	\$250	\$248	\$202	\$250	\$251	\$199
TRADEMARK RENEWAL APPLICATION (PREPARATION AND FILING)														
Number Reporting	405	16	23	23	33	46	17	15	31	8	87	26	38	41
% of total		4%	6%	6%	8%	11%	4%	4%	8%	2%	21%	6%	9%	10%
75th percentile	\$525	\$501	\$650	\$556	\$598	\$599	\$502	\$498	\$502	\$525	\$498	\$502	\$599	\$598
Median	\$402	\$425	\$550	\$502	\$402	\$375	\$498	\$302	\$498	\$388	\$330	\$498	\$475	\$435
25th percentile	\$298	\$200	\$451	\$499	\$319	\$251	\$374	\$200	\$302	\$250	\$249	\$250	\$299	\$248
FILING OF FOREIGN ORIGIN TRADEMARK REGISTRATION APPLICATION RECEIVED READY FOR FILING														
Number Reporting	280	12	17	19	27	29	14	8	23	6	56	16	27	26
% of total		4%	6%	7%	10%	10%	5%	3%	8%	2%	20%	6%	10%	9%
75th percentile	\$602	\$563	\$901	\$899	\$501	\$600	\$750	\$560	\$548	\$800	\$502	\$750	\$659	\$502
Median	\$498	\$450	\$625	\$600	\$402	\$402	\$450	\$400	\$350	\$513	\$401	\$625	\$501	\$475
25th percentile	\$302	\$300	\$399	\$402	\$300	\$324	\$375	\$225	\$252	\$180	\$288	\$450	\$399	\$350
UTILITY PATENT NOVELTY SEARCH, ANALYSIS, AND OPINION														
Number Reporting	791	35	34	26	99	85	34	22	48	33	155	52	84	79
% of total		4%	4%	3%	13%	11%	4%	3%	6%	4%	20%	7%	11%	10%
75th percentile	\$2,500	\$3,000	\$4,000	\$2,500	\$3,000	\$2,000	\$2,500	\$1,500	\$2,750	\$3,000	\$2,000	\$2,250	\$4,000	\$2,000
Median	\$1,500	\$2,000	\$1,500	\$1,850	\$1,500	\$1,200	\$1,750	\$975	\$1,650	\$1,500	\$1,200	\$1,500	\$2,000	\$1,250
25th percentile	\$1,000	\$1,000	\$1,000	\$1,500	\$1,000	\$750	\$1,000	\$750	\$1,000	\$1,200	\$900	\$1,100	\$1,100	\$900
ORIGINAL NON-P ROVISIONAL UTILITY PATENT APPLICATION ON INVENTION OF MINIMAL COMPLEXITY														
Number Reporting	942	41	41	33	111	99	45	22	55	42	176	62	116	91
% of total		4%	4%	4%	12%	11%	5%	2%	6%	4%	19%	7%	12%	10%
75th percentile	\$7,500	\$8,000	\$7,499	\$8,004	\$7,006	\$6,004	\$7,996	\$5,000	\$7,505	\$7,003	\$5,999	\$7,997	\$9,994	\$7,499
Median	\$5,504	\$7,006	\$5,003	\$5,496	\$5,994	\$4,998	\$6,003	\$4,200	\$5,996	\$5,500	\$4,997	\$6,504	\$7,995	\$5,497
25th percentile	\$4,497	\$5,005	\$3,994	\$4,995	\$4,007	\$3,997	\$4,994	\$3,504	\$4,004	\$4,995	\$3,998	\$5,007	\$5,006	\$4,993

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, September 13, 2005 4:10 PM
To: Bahr, Robert
Cc: Lee, Kyu S.
Subject: AB94 Reg Flex

**DOCUMENT REDACTED
Exemption 5, FOIA
5 USC Sec. 552(b)(5)**

Here is what I have done:



Tell me what you think about these changes. Thanks!
Jenny



AB94RegFlex.doc

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, September 13, 2005 4:24 PM
To: Bahr, Robert
Cc: Lee, Kyu S.
Subject: AB93 Reg Flex

DOCUMENT REDACTED
Exemption 5, FOIA
5 USC Sec. 552(b)(5)

Here are my suggested changes to this Reg Flex



Let me know what you think.

Also, could you explain to me the last paragraph on page 2, and the top of page 3, please? I forgot to ask you about the PCT Rule 13 stuff, and I don't really understand it right now.

Thanks, Jenny



AB93RegFlex.doc

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Monday, September 19, 2005 9:28 AM
To: McDowell, Jennifer
Cc: Lee, Kyu S.
Subject: RE: AB93 Reg Flex

I suggest some changes that (in my view) relate only to style:



AB93RegFlex.doc

Is this okay??

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, September 13, 2005 4:24 PM
To: Bahr, Robert
Cc: Lee, Kyu S.
Subject: AB93 Reg Flex

DOCUMENT REDACTED
Exemption 5, FOIA
5 USC Sec. 552(b)(5)

Here are my suggested changes to this Reg Flex



Let me know what you think.

Also, could you explain to me the last paragraph on page 2, and the top of page 3, please? I forgot to ask you about the PCT Rule 13 stuff, and I don't really understand it right now.

Thanks, Jenny

<< File: AB93RegFlex.doc >>

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, July 05, 2005 12:42 PM
To: Bahr, Robert
Subject: Revised Reg Flex certs

Hi Bob

Did you send me the revised Reg Flex certs for AB93 and AB94? I can't seem to find them, and wasn't sure if you had updated them yet or not. Thanks!

Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Wednesday, July 06, 2005 6:33 AM
To: McDowell, Jennifer
Subject: RE: Revised Reg Flex certs



RFA-AB93.wpd



RFA-AB94.wpd

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, July 05, 2005 12:42 PM
To: Bahr, Robert
Subject: Revised Reg Flex certs

Hi Bob

Did you send me the revised Reg Flex certs for AB93 and AB94? I can't seem to find them, and wasn't sure if you had updated them yet or not. Thanks!

Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Wednesday, July 06, 2005 9:25 AM
To: Bahr, Robert
Subject: RE: Revised Reg Flex certs

thanks!

-----Original Message-----

From: Bahr, Robert
Sent: Wednesday, July 06, 2005 6:33 AM
To: McDowell, Jennifer
Subject: RE: Revised Reg Flex certs

<< File: RFA-AB93.wpd >> << File: RFA-AB94.wpd >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, July 05, 2005 12:42 PM
To: Bahr, Robert
Subject: Revised Reg Flex certs

Hi Bob

Did you send me the revised Reg Flex certs for AB93 and AB94? I can't seem to find them, and wasn't sure if you had updated them yet or not. Thanks!

Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 1:24 PM
To: Bahr, Robert; Lee, Kyu S.
Cc: Plater, Tawanda M.
Subject: RE: RM

Can you do it please Bob? Thanks

-----Original Message-----

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 1:20 PM
To: McDowell, Jennifer; Lee, Kyu S.
Subject: Re: RM

Do I need to revise the packages before they go to Norma, or will Tawanda do that?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: McDowell, Jennifer <Jennifer.McDowell@USPTO.GOV>
To: Lee, Kyu S. <kyu.lee@USPTO.GOV>; Plater, Tawanda M. <Tawanda.Plater@USPTO.GOV>
CC: Bahr, Robert <Robert.Bahr@USPTO.GOV>; Hassan, Shirley <Shirley.Hassan@USPTO.GOV>
Sent: Tue Nov 22 13:14:06 2005
Subject: RE: RM

Bob

I made one tiny change after my last email to you (it should be in blue). Sorry for the confusion.
Jenny

-----Original Message-----

From: Lee, Kyu S.
Sent: Tuesday, November 22, 2005 1:13 PM
To: McDowell, Jennifer; Plater, Tawanda M.
Cc: Bahr, Robert; Hassan, Shirley
Subject: RE: RM

OK, Tawanda. Here are (hopefully) the final versions. Just so everyone can keep track of the different versions, this is labeled "rev2".

Bob, I believe that you need to change your rule packages to reflect these changes.

<< File: RFA-AB93.rev2.doc >> << File: RFA-AB94.rev2.doc >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

In Shirley's absence this afternoon, could you work with Kyu on a couple of rulemaking things, please:

- * prepare Reg Flex certifications for AB93 and AB94. Kyu will email you latest drafts. Get Bernie to sign them today, and leave them for Shirley to send to SBA in the morning.
- * re-print rules AB93 and AB94 once Bob Bahr emails them to you. The rules will

include the latest Reg Flex language.

* deliver these 2 rule packages to Norma today, including routing slips.

Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 1:20 PM
To: McDowell, Jennifer; Lee, Kyu S.
Subject: Re: RM

Do I need to revise the packages before they go to Norma, or will Tawanda do that?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: McDowell, Jennifer <Jennifer.McDowell@USPTO.GOV>
To: Lee, Kyu S. <kyu.lee@USPTO.GOV>; Plater, Tawanda M. <Tawanda.Plater@USPTO.GOV>
CC: Bahr, Robert <Robert.Bahr@USPTO.GOV>; Hassan, Shirley <Shirley.Hassan@USPTO.GOV>
Sent: Tue Nov 22 13:14:06 2005
Subject: RE: RM

Bob

I made one tiny change after my last email to you (it should be in blue). Sorry for the confusion.

Jenny

-----Original Message-----

From: Lee, Kyu S.
Sent: Tuesday, November 22, 2005 1:13 PM
To: McDowell, Jennifer; Plater, Tawanda M.
Cc: Bahr, Robert; Hassan, Shirley
Subject: RE: RM

OK, Tawanda. Here are (hopefully) the final versions. Just so everyone can keep track of the different versions, this is labeled "rev2".

Bob, I believe that you need to change your rule packages to reflect these changes.

<< File: RFA-AB93.rev2.doc >> << File: RFA-AB94.rev2.doc >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

In Shirley's absence this afternoon, could you work with Kyu on a couple of rulemaking things, please:

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Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office

(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 1:26 PM
To: McDowell, Jennifer; Lee, Kyu S.
Cc: Plater, Tawanda M.
Subject: Re: RM

Who has the changes that need to be made?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: McDowell, Jennifer <Jennifer.McDowell@USPTO.GOV>
To: Bahr, Robert <Robert.Bahr@USPTO.GOV>; Lee, Kyu S. <kyu.lee@USPTO.GOV>
CC: Plater, Tawanda M. <Tawanda.Plater@USPTO.GOV>
Sent: Tue Nov 22 13:24:10 2005
Subject: RE: RM

Can you do it please Bob? Thanks

-----Original Message-----

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 1:20 PM
To: McDowell, Jennifer; Lee, Kyu S.
Subject: Re: RM

Do I need to revise the packages before they go to Norma, or will Tawanda do that?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: McDowell, Jennifer <Jennifer.McDowell@USPTO.GOV>
To: Lee, Kyu S. <kyu.lee@USPTO.GOV>; Plater, Tawanda M. <Tawanda.Plater@USPTO.GOV>
CC: Bahr, Robert <Robert.Bahr@USPTO.GOV>; Hassan, Shirley <Shirley.Hassan@USPTO.GOV>
Sent: Tue Nov 22 13:14:06 2005
Subject: RE: RM

Bob

I made one tiny change after my last email to you (it should be in blue). Sorry for the confusion.

Jenny

-----Original Message-----

From: Lee, Kyu S.
Sent: Tuesday, November 22, 2005 1:13 PM
To: McDowell, Jennifer; Plater, Tawanda M.
Cc: Bahr, Robert; Hassan, Shirley
Subject: RE: RM

OK, Tawanda. Here are (hopefully) the final versions. Just so everyone can keep track of the different versions, this is labeled "rev2".

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<< File: RFA-AB93.rev2.doc >> << File: RFA-AB94.rev2.doc >>

-----Original Message-----

From: McDowell, Jennifer

Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

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Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, September 13, 2005 4:24 PM
To: Bahr, Robert
Cc: Lee, Kyu S.
Subject: AB93 Reg Flex

DOCUMENT REDACTED
Exemption 5, FOIA
5 USC Sec. 552(b)(5)

Here are my suggested changes to this Reg Flex



Let me know what you think.

Also, could you explain to me the last paragraph on page 2, and the top of page 3, please? I forgot to ask you about the PCT Rule 13 stuff, and I don't really understand it right now.

Thanks, Jenny



AB93RegFlex.doc

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

In Shirley's absence this afternoon, could you work with Kyu on a couple of rulemaking things, please:

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Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Tuesday, August 30, 2005 12:24 PM
To: McDowell, Jennifer
Subject: AB93 and AB94



Rule Making



Rule Making

Considerations AB9..Considerations AB9..

Current draft of the rule making section of ab93 and ab94:

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:49 PM
To: Bahr, Robert
Subject: RE: RM

thanks!!

-----Original Message-----

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 12:49 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Hassan, Shirley; McDowell, Jennifer
Subject: RE: RM

AB93 proposed rule and reg flex statement-- << File: CON-PR16.wpd >> << File: RFA-AB93.wpd >>

AB94 proposed rule and reg flex statement-- << File: CLAIMS-PR13.wpd >> << File: RFA-AB94.wpd >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

In Shirley's absence this afternoon, could you work with Kyu on a couple of rulemaking things, please:

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Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:51 PM
To: Bahr, Robert
Subject: RE: RM

not at all!! We'll get this out the door, admist the 6 motions I have due by tomorrow!

-----Original Message-----

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 12:51 PM
To: McDowell, Jennifer
Subject: RE: RM

Thanks you.

Sorry to be a pain, but that is my job it seems.

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:49 PM
To: Bahr, Robert
Subject: RE: RM

thanks!!

-----Original Message-----

From: Bahr, Robert
Sent: Tuesday, November 22, 2005 12:49 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Hassan, Shirley; McDowell, Jennifer
Subject: RE: RM

AB93 proposed rule and reg flex statement-- << File: CON-PR16.wpd >> << File: RFA-AB93.wpd >>

AB94 proposed rule and reg flex statement-- << File: CLAIMS-PR13.wpd >> << File: RFA-AB94.wpd >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

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Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 1:14 PM
To: Lee, Kyu S.; Plater, Tawanda M.
Cc: Bahr, Robert; Hassan, Shirley
Subject: RE: RM

Bob

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Jenny

-----Original Message-----

From: Lee, Kyu S.
Sent: Tuesday, November 22, 2005 1:13 PM
To: McDowell, Jennifer; Plater, Tawanda M.
Cc: Bahr, Robert; Hassan, Shirley
Subject: RE: RM

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Bob, I believe that you need to change your rule packages to reflect these changes.

<< File: RFA-AB93.rev2.doc >> << File: RFA-AB94.rev2.doc >>

-----Original Message-----

From: McDowell, Jennifer
Sent: Tuesday, November 22, 2005 12:46 PM
To: Plater, Tawanda M.
Cc: Lee, Kyu S.; Bahr, Robert; Hassan, Shirley
Subject: RM

In Shirley's absence this afternoon, could you work with Kyu on a couple of rulemaking things, please:

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- re-print rules AB93 and AB94 once Bob Bahr emails them to you. The rules will include the latest Reg Flex language.
- deliver these 2 rule packages to Norma today, including routing slips.

Thanks, Tawanda!!
Jenny

Jennifer M. McDowell
Associate Counsel for General Law
U.S. Patent and Trademark Office
(571) 272 7013

Bahr, Robert

From: Bahr, Robert
Sent: Monday, November 21, 2005 9:03 AM
To: McDowell, Jennifer
Cc: Lee, Kyu S.; Hassan, Shirley
Subject: Rule Makings

Importance: High

I have revised the Reg. Flex sections per your request



CON-PR16.wpd



RFA-AB93.wpd

AB93--



CLAIMS-PR13.wpd



RFA-AB94.wpd

AB94--

Tracking:

Recipient

McDowell, Jennifer

Lee, Kyu S.

Hassan, Shirley

Read

Read: 11/21/05 12:03 PM

Read: 11/21/05 11:17 AM

Read: 11/21/05 9:04 AM