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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2007 OCT -5 P 3:41

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

TRIANAFYLLOS TAFAS,)
)
Plaintiff,)
)
v.)
)
JON W. DUDAS, in his official capacity as)
Under Secretary of Commerce and)
Director of the United States Patent and)
Trademark Office)
and)
)
The UNITED STATES PATENT AND)
TRADEMARK OFFICE,)
)
Defendants.)
_____)

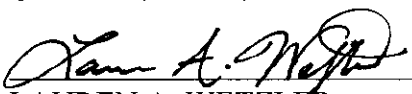
CIVIL ACTION NO. 1:07cv846

NOTICE OF FILING OF ADMINISTRATIVE RECORD

PLEASE TAKE NOTICE of the filing of the certified administrative record for the final rules published by the United States Patent and Trademark Office at 72 Fed. Reg. 46716 (Aug. 21, 2007). In view of the size of the administrative record, Defendants requested and received permission from the Clerk's Office to file the record in paper form. Appended hereto are the Certification of the Administrative Record by the United States Patent and Trademark Office and the Index of Administrative Record.

Respectfully submitted,

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United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2007, I caused the foregoing, with attachments, and the administrative record in paper form and on CD-ROM, to be hand-delivered to:

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Certification

**UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

TRIANTAFYLLOS TAFAS, Plaintiff,)	
)	
)	
v.)	CIVIL ACTION: 1:07-CV-00846-JCC-TRJ
)	
JON W. DUDAS, in his official capacity as Undersecretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, et al., Defendants.)	
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**CERTIFICATION OF THE ADMINISTRATIVE RECORD
BY THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Declaration of Jennifer M. McDowell

I, Jennifer M. McDowell, hereby declare:

1. I am employed by the United States Patent and Trademark Office (“USPTO”).

During the period from January 3, 2006 through August 21, 2007, I was an attorney in the USPTO’s Office of General Counsel, Office of General Law.
2. As an attorney in the Office of General Law, I was responsible for the administrative clearance of Agency rule makings.
3. In connection with these duties, I have knowledge of the record-keeping practices of the USPTO relating to rulemakings.
4. The above-referenced action is a challenge to USPTO final rules, “Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications.” 72 Fed. Reg. 46716 (Aug. 21, 2007).

5. The documents listed in the accompanying Index of Administrative Record and filed with the Court are, to the best of my knowledge, a true, correct and complete copy of the administrative record in this matter.
6. Privileged documents reflecting internal agency deliberations, attorney-client communications, and attorney work product have been excluded from the administrative record. See e.g., Nat'l Courier Ass'n v. Bd. Of Governors of Fed. Reserve Sys., 516 F.2d 1229, 1241-43 (D.C. Cir. 1975); Amfac Resorts, L.L.C. v. U.S. Dep't of the Interior, 143 F. Supp. 2d 7, 13 (D.D.C. 2001). Where only a portion of a document is privileged, the privileged information has been redacted. Any unpublished patent applications or patent application identifiers that were utilized or considered during the rule making process have been excluded or redacted pursuant to 35 U.S.C. § 122. Additionally, information protected by the Privacy Act of 1974, as amended, 5 U.S.C. § 552, has been redacted from the record.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2007



JENNIFER M. MCDOWELL

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03/30/06	Comments from Anne Barschall	A01893-A01894
03/31/06	Comments from Mikio Ishimaru	A01895-A01896
03/31/06	Comments from Herbert Goodman	A01897-A01898
04/04/06	Comments from David Pacholok	A01899
04/06/06	Comments from George Leavell	A01900-A01905
04/07/06	Comments from Quine Intellectual Property Law Group, P.C.	A01906-A01912
04/08/06	Comments from Christopher Garvey	A01913-A01914

04/11/06	Comments from Richard Lazarus	A01915-A01917
04/11/06	Comments from Brian Carlson	A01918
04/11/06	Comments from Jeffrey Konicek	A01919
04/12/06	Comments from Edwin Taylor and Daniel De Vos	A01920-A01930
04/14/06	Comments from Tim Pryor	A01931-A01933
04/18/06	Comments from Ted Apple	A01934-A01956
04/18/06	Comments from Robert Barton	A01957
04/20/06	Comments from Isaac Angres	A01958
04/20/06	Comments from Jordany Nunez	A01959- A01960
04/21/06	Comments from Adam Cochran	A01961-A01962
04/21/06	Comments from Harrison Dillon	A01963
04/22/06	Comments from Cecil Quillen	A01964-A02038
04/24/06	Comments from the American Intellectual Property Law Association (AIPLA)	A02039-A02058
04/24/06	Comments from Brian Hickman	A02059-A02066
04/24/06	Comments from Ralph Jocke	A02067-A02070
04/26/06	Comments from George Blasiak	A02071-A02072
04/26/06	Comments from Michael Haynes	A02073-A02090
04/27/06	Comments from the Office of Advocacy of the U.S. Small Business Administration (SBA)	A02091-A02097
04/27/06	Comments from the Pabst Patent Group LLP	A02098-A02103
04/27/06	Comments from Scott Harris	A02104-A02109
04/27/06	Comments from Miller Patent Services	A02110-A02113
04/27/06	Comments from Paul Alpert, Scott Cochran, Kelvin Gonzalez, Allen Gurrola, Byron Hale, Daniel Holman, Rudy Moreno, Keith Mullin, David Ng, Reginald Niles, Frank Parise, Frank Plaisted, Linda Pollock, Alan Regala, Richard Sachen, James Stavoe, Michael Strathman	[A00710-A00713 A00716-A00717 A00720-A00722 A00774-A00782 A01147-A01150 A01744-A01749] ¹
04/27/06	Comments from Maher Kawar	A02114-A02115
04/27/06	Comments from Rich Rein	A02116-A02117
04/27/06	Comments from Bob Stayton	A02118
04/27/07	Comments from Mark Pickering	A02119-A02120
04/27/06	Comments from Steven Moore	A02121-A02125
04/28/06	Comments from the Pennsylvania Intellectual Property Forum	A02126-A02132
04/28/06	Comments from Altera Corporation	A02133-A02138
04/28/06	Comments from Microsoft Corporation	A02139-A02143
04/28/06	Comments from the Wisconsin Alumni Research Foundation (WARF)	[A00744-A00762]

¹ Bates numbers that are bracketed indicate public comments that have already been included in the administrative record under Part III. They are referenced in this Part to reflect that these comments addressed not only the proposed rules on Claims (Part III), but also the proposed rules on Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims (Part IV).

04/28/06	Comments from ZymoGenetics, Inc.	A02144-A02155
04/28/06	Comments from Reed Intellectual Property Law Group	A02156
04/28/06	Comments from Steven Colby	A02157-A02159
04/28/06	Comments from Michael Davidson	[A00763-A00764]
04/28/06	Comments from Grant Green	[A00765-A00767]
04/28/06	Comments from Edward Lynch	[A00768-A00770]
04/28/06	Comments from Philip Myers	A02160
04/28/06	Comments from Richard Rezek	A02161-A02165
04/28/06	Comments from James Yang	A02166-A02167
04/29/06	Comments from Sangamo BioSciences, Inc.	A02168-A02177
04/29/06	Comments from Brian Dutton	A02178-A02179
04/30/06	Comments from Calvin Ashburg	A02180
04/30/06	Comments from Dan Dettlaff	A02181
04/30/06	Comments from Lawrence Ebert	A02182-A02187
04/30/06	Comments from Margaret Plumly	[A00784]
05/01/06	Comments from the California Healthcare Institute (CHI)	A02188-A02193
05/01/06	Comments from the Intellectual Property Law Section of the North Carolina Bar Association	A02194-A02202
05/01/06	Comments from the Japan Intellectual Property Association (JIPA)	A02203-A02207
05/01/06	Comments from the San Diego Intellectual Property Law Alliance (SDIPLA)	A02208-A02219
05/01/06	Comments from Genentech, Inc.	A02220-A02232
05/01/06	Comments from Intuitive Surgical Inc.	A02233-A02241
05/01/06	Comments from Micron Technology, Inc.	A02242-A02251
05/01/06	Comments from Oracle Corporation	A02252-A02254
05/01/06	Comments from Procter & Gamble Company (P&G)	A02255-A02268
05/01/06	Comments from Greenblum & Bernstein, P.L.C.	A02269-A02276
05/01/06	Comments from Andrew Anderson	A02277-A02282
05/01/06	Comments from Douglas Crisman and Gary Williams	A02283-A02288
05/01/06	Comments from Rodney Hodgson	[A00813-A00814]
05/01/06	Comments from Michael O'Connell	A02289-A02291
05/01/06	Comments from Thomas Robbins	A02292-A02300
05/01/06	Comments from Leonard Svensson	A02301-A02308
05/01/06	Comments from Charles Wieland III	A02309-A02310
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05/01/06	Comments from Jim Block	A02329
05/01/06	Comments from John Melius	[A00831-A00832]
05/02/06	Comments from The Bar Association of the District of Columbia	A02330-A02336
05/02/06	Comments from the Biotechnology Industry Organization (BIO)	A02337-A02355
05/02/06	Comments from the Chemical and Biotech Practice of the Minnesota Intellectual Property Law Association (MIPLA)	[A00849-A00871]

05/02/06	Comments from the Intellectual Property Law Revisions Committee of the Minnesota Intellectual Property Law Association (MIPLA)	[A00872-A00894]
05/02/06	Comments from the Patent Prosecution Committee of the Minnesota Intellectual Property Law Association (MIPLA)	[A00895-A00917]
05/02/06	Comments from Biogen Idec Inc.	[A01360-A01369]
05/02/06	Comments from Ceres, Inc.	A02356-A02359
05/02/06	Comments from Clarcor, Inc.	A02360-A02361
05/02/06	Comments from the Council on Government Relations (COGR)	[A00918-A00921]
05/02/06	Comments from Eastman Kodak Company	[A00922-A00936]
05/02/06	Comments from eBay Inc.	A02362-A02364
05/02/06	Comments from Eli Lilly and Company	[A00937-A00954]
05/02/06	Comments from GlaxoSmithKline (GSK)	A02365-A02377
05/02/06	Comments from Human Genome Sciences, Inc. (HGS)	A02378-A02414
05/02/06	Comments from Isis Pharmaceuticals, Inc.	A02415-A02426
05/02/06	Comments from Neurocrine Biosciences, Inc.	A02427-A02430
05/02/06	Comments from the Pharmaceutical Research and Manufacturers of America (PhRMA)	[A00975-A00992]
05/02/06	Comments from Bozicevic, Field & Francis LLP	A02431-A02443
05/02/06	Comments from Greenlee, Winner and Sullivan, P.C.	A02444-A02446
05/02/06	Comments from Lerner, David, Littenberg, Krumholz & Mentlik, LLP	A02447-A02453
05/02/06	Comments from Sterne, Kessler, Goldstein & Fox P.L.L.C.	A02454-A02464
05/02/06	Comments from Thomas Adams, Mark Saralino, Gordon Kinder, M. David Galin, Cynthia Murphy	A02465-A02469
05/02/06	Comments form Rich Additon	A02470-A02474
05/02/06	Comments from Dale Cook (joined by Fred Kasenburg, Charles Claunch, David Romney, Jonathan Olson, Leif Stordal, Glenn Foster, Corrie Vaa, R. Alan Burnett, Margaret Anderson)	[A01011-A01044]
05/02/06	Comments from Patrick Doody	A02475-A02486
05/02/06	Comments from Brian Duncan	A02487-A02489
05/02/06	Comments from Frederick Gibb III	A02490-A02494
05/02/06	Comments from Raymond Green	A02495-A02499
05/02/06	Comments from William Hall	A02500-A02501
05/02/06	Comments from Paul Haughey	A02502-A02503
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05/02/06	Comments from Robert Lord	A02510-A02519
05/02/06	Comments from Marcella Louke	A02520-A02521
05/02/06	Comments from John McGlew	A02522-A2524
05/02/06	Comments from Harold Milton	A02525-A02560

05/02/06	Comments from Joel Rarang	[A01140-A01146]
05/02/06	Comments from Ron Rohde	A02561-A02562
05/02/06	Comments from Paul Tomita	A02563
05/02/06	Comments from L. Mark Ye	A02564-A02567
05/02/06	Comments from Barry Farris	A02568
05/02/06	Comments from Charles Northrup	A02569
05/02/06	Comments from Jahanara Ali	[A01066]
05/02/06	Comments from McManus & Associates	A02570-A02571
05/02/06	Comments from Roger Desenberg	[A01070-A01117]
05/03/06	Comments from the American Bar Association Section of Intellectual Property Law (ABA-IPL)	[A01165-A01172]
05/03/06	Comments from the Boston Patent Law Association (BPLA)	A02572-A02584
05/03/06	Comments from the Houston Intellectual Property Law Association (HIPLA)	A02585-A02589
05/03/06	Comments from the Inventors Alliance	[A01185-A01209]
05/03/06	Comments from the Intellectual Property Owners Association (IPO)	A02590-A02596
05/03/06	Comments from the Los Angeles Intellectual Property Law Association	A02597-A02610
05/03/06	Comments from the National Association of Patent Practitioners (NAPP)	A02611-A02653
05/03/06	Comments from the New York Intellectual Property Law Association (NYIPLA)	[A01231-A01240]
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05/03/06	Comments from the Professional Inventors Alliance (PIA)	[A01255-A01264]
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05/03/06	Comments from the Antitrust Division of the United States Department of Justice	[A01275-A01285]
05/03/06	Comments from the Office of Technology Transfer, National Institutes of Health (NIH)	A02663-A02667
05/03/06	Comments from the Patent Public Advisory Committee of the United States Patent and Trademark Office (PPAC)	[A01286-A01308]
05/03/06	Comments from the United States Federal Trade Commission	A02668-A02677

05/03/06	Comments from 3M Innovative Properties Company	A02678-A02689
05/03/06	Comments from Affymetrix, Inc.	A02690-A02694
05/03/06	Comments from Amgen	[A01320-A01327]
05/03/06	Comments from Amylin Pharmaceuticals, Inc.	A02695-A02701
05/03/06	Comments from Anatomic Research, Inc.	[A01333-A01356]
05/03/06	Comments from Apple Computer, Inc.	[A01357-A01358]
05/03/06	Comments from Bally Technologies	A02702-A02707
05/03/06	Comments from BASF Aktiengesellschaft (BASF AG)	[A01359]
05/03/06	Comments from Burnham Institute for Medical Research	A02708-A02714
05/03/06	Comments from Caterpillar Inc.	[A01373-A01374]
05/03/06	Comments from CCIA	A02715-A02717
05/03/06	Comments from Cisco Systems, Inc.	A02718-A02721
05/03/06	Comments from E.I. Du Pont De Nemours and Company	A02722-A02732
05/03/06	Comments from Honda R&D Americas, Inc.	A02733-A02742
05/03/06	Comments from IBM Corporation	A02743-A02748
05/03/06	Comments from Intel Corporation	A02749-A02762
05/03/06	Comments from Intellectual Ventures, LLC (IV)	[A01394-A01406]
05/03/06	Comments from InterDigital Communications Corporation	A02763-A02778
05/03/06	Comments from the General Counsel for the MacLean-Fogg Company	A02779-A02780
05/03/06	Comments from the Intellectual Property Counsel for the MacLean-Fogg Company	A02781-A02784
05/03/06	Comments from Massachusetts General Hospital (MGH)	A02785-A02787
05/03/06	Comments from Maxygen, Inc.	[A01421-A01442]
05/03/06	Comments from Medarex, Inc.	[A01443-A01458]
05/03/06	Comments from the Medical Device Manufacturers Association (MDMA)	A02788-A02792
05/03/06	Comments from Mendel Biotechnology, Inc.	A02793-A02801
05/03/06	Comments from the National Venture Capital Association (NVCA)	[A01459-A01464]
05/03/06	Comments from Novartis Vaccines and Diagnostics, Inc.	A02802-A02809
05/03/06	Comments from Novo Nordisk, Inc.	A02810-A02823
05/03/06	Comments from Pfizer, Inc.	[A01469-A01474]
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05/03/06	Comments from Texas Instruments Incorporated (TI)	[A01478-A01495]
05/03/06	Comments from Walker Digital Management, LLC	A02824-A02833
05/03/06	Comments from Wyeth	A02834-A02848
05/03/06	Comments from Xencor, Inc.	A02849-A02855
05/03/06	Comments from the University of California, Los Angeles Office of Intellectual Property Administration	A02856
05/03/06	Comments from the Office of Technology Transfer at the University of California	[A01517-A01521]
05/03/06	Comments from the University of Texas System	A02857-A02862
05/03/06	Comments from Bachman & LaPointe, P.C.	[A01522-A01536]

05/03/06	Comments from Cantor Colburn LLP	A02863-A02866
05/03/06	Comments from Ladas & Parry LLP	A02867-A02884
05/03/06	Comments from Pearne & Gordon LLP	A02885-A02900
05/03/06	Comments from Thomas, Kayden, Horstemeyer & Risley, LLP	A02901-A02923
05/03/06	Comments from Tillman Wright, PLLC	[A01544-A01552]
05/03/06	Comments from Guy Cumberbatch	A02924-A02925
05/03/06	Comments from Townsend and Townsend and Crew LLP	A02926-A02929
05/03/06	Comments from Wood, Herron & Evans, LLP	A02930-A02935
05/03/06	Comments from "Patent Attorney" at e-mail address uspatentno1@yahoo.com	[A01553-A01557]
05/03/06	Comments from Dick Apley	A02936-A02937
05/03/06	Comments from D. Benjamin Borson, Paul Kovelman, Robert Kovelman, William Benman, George Grunebach, R. Dabney Eastham, Thomas Ward	A02938-A02949
05/03/06	Comments from Kerry Broome	A02950-A02954
05/03/06	Comments from Katrina Leonardi	A02955-A02956
05/03/06	Comments from Terry Callahan	A02957-A02965
05/03/06	Comments from Dean Alderucci, Robert Bahrapour	[A01572- A01609]
05/03/06	Comments from Mark Carter	[A01610-A01614]
05/03/06	Comments from Kent Chambers	A02966-A02967
05/03/06	Comments from Clyde Christofferson, Marshall Curtis	A02968-A02971
05/03/06	Comments from the Business Software Alliance (BSA)	A02972-A02976
05/03/06	Comments from Lawrence Ebert	A02977-A02979
05/03/06	Comments from Paul Fenster	A02980-A02983
05/03/06	Comments from John Fitzpatrick	A02984-A02992
05/03/06	Comments from Glenn Foster	[A01615-A01632]
05/03/06	Comments from Derek Freyberg	[A01633-A01635]
05/03/06	Comments from Nicholas Godici	[A01636-A01642]
05/03/06	Comments from Thomas Kelley	A02993-A02995
05/03/06	Comments from Michael Kirschner	[A01650-A01654]
05/03/06	Comments from David Metzger	A02996-A03000
05/03/06	Comments from Steven Lundberg, Ann McCrackin	A03001-A03003
05/03/06	Comments from Jerry Mahurin, Curtis Castleman, Jeffery Thurnau, Paul Dunlap	A03004-A03007
05/03/06	Comments from Robert Miller	[A01655-A01668]
05/03/06	Comments from Joseph Milstein	A03008-A03010
05/03/06	Comments from Timothy Ball, Grace Bonner, Forchisha Davis, Dennis Hoerner, Lawrence Lavin, Chunping Li, Matthew Madsen, Margarita Unson (Practitioners from Monsanto Company)	A03011-A03034
05/03/06	Comments from Tom Moran	[A01669-A01670]

05/03/06	Comments from James Mullen III, Gladys Monroy, Barry Bretschneider, Gregory Einhorn, Kate Murashige, Catherine Polizzi, Steven Durant, Norman Klivans, Jr., Robert Scheid, Daniel Yannuzzi	A03035-A03039
05/03/06	Comments from Elizabeth Nugent, Heather Callahan	A03040-A03041
05/03/06	Comments from Devan Padmanabhan	A03042-A03047
05/03/06	Comments from Stephen Pang	A03048-A03057
05/03/06	Comments from Steven Parmelee	[A01687-A01691]
05/03/06	Comments from Robert Resis	A03058-A03075
05/03/06	Comments from Mark Sandbaken	A03076-A03083
05/03/06	Comments from Suzannah Sundby	A03084-A03091
05/03/06	Comments from Michael Wach	A03092-A03093
05/03/06	Comments from Seth Watkins	A03094-A03097
05/03/06	Comments from Steven Wigmore	A03098-A03102
05/03/06	Comments from Mark Wolfe	[A01731]
05/03/06	Comments from Kevin Wolff	[A01732-A01740]
05/03/06	Comments from Lee Wright	A03103-A03105
05/03/06	Comments from Richard Breneman	[A01750]
05/03/06	Comments from Lisa Brothers	[A01751]
05/03/06	Comments from Rose Marie Copeland-Carr	A03106-A03108
05/03/06	Comments from Glenn Strawder	A03109-A03111
05/03/06	Comments from Edwin Suominen	A03112-A03113
05/03/06	Comments from Mary Jo West	A03114
05/03/06	Comments from "Anonymous" in Sunnyvale, CA	A03115-A03118
05/03/06	Comments from "Anonymous"	A03119-A03123
05/03/06	Comments from J. Bonnamy	A03124
05/03/06	Comments from G. Foster	A03125
05/03/06	Comments from Mark Greenstein	[A01762-A01766]
05/03/06	Comments from James Kulbaski	A03126-A03127
05/03/06	Comments from V. Bryan Lawlis	A03128-A03129
05/03/06	Comments from Van Mahamedi	A03130-A03132
05/03/06	Comments from Jeff Stewart	A03133-A03137
05/03/06	Comments from Jason Taylor	[A01709-A01721]
05/03/06	Comments from Daniel Wasil	A03138-A03141
05/04/06	Comments from Margo Wach	A03142
05/04/06	Comments from Fallbrook Technologies Inc.	A03143-A03152
05/04/06	Comments from Cameron Weiffenbach	A03153-A03155
05/06/06	Comments from Samson Helfgott	A03156-A03164
Undated	Comments from Francis Hand	A03165
Undated	Comments from Steven Hoffberg	A03166-A03190
Undated	Comments from Clifford Kraft	A03191-A03192
Undated	Comments from Justin Petruzzelli	[A01124-A01132]
Undated	Comments from Robert Usher	A03193-A03195
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Undated	Comments from Kurt VanVoorhies	[A01722-A01727]

V. DATA		
DATE	DESCRIPTION	BATES NO
00/00/03	AIPLA Report of the Economic Survey 2003	A03200-A03201
10/00/03	To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy, A Report by the Federal Trade Commission, October 2003	A03202-A03516
06/00/04	Appeal Conference Effects – Examiner Actions in Response to Appeal Brief	A03517-A03524
00/00/05	Refile Report – Compiled via ExPo for all types of filings	A03525-A03530
02/09/05	Re-Work Stats	A03531-A03537
02/10/05	FAOM Rework by TC Group for FY 2000-2005	A03538-A03544
03/02/05	Claims breakdown by Tech Center for FY 2000-2005	A03545-A03553
03/10/05	Claims and percentages data for FY 2004	A03554-A03620
04/07/05	Patents Issuing (Utility and Plant Only) for FY 1981-2005	A03621
04/25/05	CPA-RCE-CON Multiple Entries: Small Entity-Based RCE-R129-CPA Filing Counts in Applications, Continuations Filed in Applications for FY 2002-2005	A03622-A03623
04/25/05	Terminal Disclaimers by Entity	A03624-A03625
04/26/05	Refiles by Tech Centers for FY 2002-2005	A03626-A03638
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05/23/05	Claims in Application at Filing (Serialized Filings Only) for FY 2001-2005	A03652-A03653
05/26/05	Loss of Revenue Exercise for Patents	A03654
06/01/05	Claim Fee Analysis	A03655-A03657
06/01/05	Updated Claim Fee Analysis	A03658-A03660
06/01/05	Claim Fee Analysis – Claims Ranges Summary for FY 2002-2005, Total Claims Ranges by TC Group	A03661-A03678
06/03/05	Data for meeting regarding claims for examination and time/counts	A03679-A03683
06/08/05	Appeal brief survey data – IFW cases placed in 124 status by the BPAI in FY 2004 and 2005	A03684-A03736
06/08/05	Appeal brief survey data	A03737-A03763
06/16/05	Goals Proposal for Mid-Year FY 2006	A03764-A03766
06/27/05	Claim Fee Analysis for FY 2002-2005	A03767-A03769
06/29/05	Independent Claims Filed by Large Entities, Small Entities and All Entities	A03770-A03771
06/29/05	Updated Refiles by Tech Centers for FY 2002-2005	A03772-A03784
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07/08/05	Independent Claim Analysis	A03789-A03795
07/14/05	Briefs – Notice of Appeals by Entity FY 2003-2005	A03796-A03797
07/19/05	Independent Claims Breakdown	A03798-A03804
07/19/05	Total Claims Breakdown	A03805-A03821
07/26/05	Independent Claims Breakdown by Entity	A03822-A03824
08/00/05	U.S. Patent and Trademark Office: Transforming To Meet the Challenges of the 21 st Century, A Report by a Panel of the National Academy of Public Administration for the U.S. Congress and the U.S. Patent and Trademark Office	A03825-A04112
09/00/05	AIPLA Report of the Economic Survey 2005 Prepared Under Direction of the American Intellectual Property Law Association Law Practice Management Committee	A04113-A04329
09/22/05	Data Update regarding Petitions to Make Special	A04330-A04332
10/13/05	Independent Claims Breakdown by Entity - Independent Claims in Cases Received 1/1/2005+	A04333-A04338
10/13/05	Refiles by TC – Entity FY 2002-2005	A04339-A04351
10/14/05	CPA-RCE-CON Multiple Entries: Entity-Based RCE-R129-CPA Filing Counts in Applications, Continuations Filed in Applications and Continuations/CIPS Filed in Applications for FY 2002-2005	A04352-A04355
10/14/05	UPR New Hire Examiner Attritions for FY 2000-2005	A04356
10/17/05	Petitions To Make Special (PTMS) – All Data Update	A04357-A04359
10/18/05	Priority Claims & First Actions with Analysis for FY 2002-2005	A04360-A04368
10/18/05	Average Claims for Applications Filed, Allowed and Issued During a Fiscal Year and by Fiscal Year of Filing	A04369-A04371
10/19/05	Office Action Analysis by Tech Center for FY 2002-2005	A04372-A04382
10/19/05	Appeal Information and Disclaimers by Entity for FY 2004-2005	A04383-A04384
10/20/05	First Action Ratios for FY 2001-2005	A04385-A04386
10/23/05	Continuations/RCEs – 2 nd and subsequent for FY 2002-2005	A04387-A04398
10/27/05	Independent Claims Breakdown by Entity	A04399-A04402
11/30/05	CPA-RCE-CON Multiple Entries: RCE-R129-CPA Filing Counts in Applications and Continuations Filed in Applications	A04403-A04404
03/07/06	2005 Filings, RCEs, Continuations	A04405-A04407
03/21/06	Percent First Action Allowances	A04408-A04411
03/31/06	Data regarding second plus continuations	A04412-A04416
04/04/06	CPA-RCE-CON Multiple Entries: Entity-Based RCE-R129-CPA Filing Counts in Applications, Continuations Filed in Applications and Continuations/CIPS Filed in Applications	A04417-A04420

04/04/06	USPTO FOIA 06-159	A04421-A04432
05/26/06	E-mail from C. Kirik to R. Fawcett regarding FOIA 06-176 and attaching 2007 President's Budget Report	A04433-A04507
06/02/05	Group Patent Case Pendency – TC Group 3620	A04508
06/05/06	Performance and Accountability Report for Fiscal Year 2005 – Table 2: Patent Applications Filed	A04509
06/13/06	Claims Analysis on Applications in Status 18-32	A04510-A04511
06/14/06	Updated Claims Analysis on Applications in Status 18-32	A04512-A04513
06/22/06	RCE-CON-DIV After Allowance	A04514-A04515
07/10/06	Divisional Analysis – Number Claimed in Applications for FY 2001-2006	A04516-A04519
07/13/06	Final Rejections by Month – Analysis for FY 2005-2006	A04520-A04521
07/18/06	Final Rejections by Month – Analysis for FY 2005-2006	A04522-A04523
07/19/06	Continuing Applications Data for FY 1980-2006	A04524-A04527
07/21/06	Claims Analysis on Applications in Status 18-32	A04528-A04529
07/24/06	Statistics on Continuations for FY 2002-2005	A04530-A04532
07/24/06	Divisional Filings with/without Restrictions in Parent – All TCs for FY 2005-2006	A04533-A04534
07/27/06	Claims Analysis on Applications in Status 18-32	A04535-A04536
07/27/06	Claims Analysis for FY 2005 and 1 st Half of FY 2006	A04537-A04538
07/27/06	Claims Analysis for FY 2005, Quarters 2, 3 & 4 of FY 2005 and 1 st Half of FY 2006	A04539-A04541
07/29/06	Claims Analysis (Entity Based) for FY 2005, Quarters 2, 3 & 4 of FY 2005 and 1 st Half of FY 2006	A04542-A04545
08/03/06	Relevant Data regarding USPTO filings	A04546-A04553
08/29/06	Updated Claims Analysis (Entity Based) for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04554-A04557
08/31/06	CPA-RCE-CON-CIP 2 Filings for FY 1995-2006	A04558-A04559
08/31/06	CPA-RCE-CON-CIP 2 Filings for FY 1995-2006	A04560-A04561
08/31/06	CPA-RCE-CON-CIP 2 nd and 3 rd Generation Refiles for FY 1995-2006	A04562-A04564
09/01/06	CPA-RCE-CON-CIP 2 nd and 3 rd Generation Filings for FY 1995-2006	A04565-A04566
09/13/06	Group Patent Case Pendency Slide	A04567-A04568
09/15/06	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04569-A04572
09/15/06	RCE Count with Post RCE Result – Disposition of Cases Having 1+ RCES/CPSs for FY 1994-2006	A04573-A04574
09/26/06	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04575-A04578
09/27/06	Statistics on First Action Allowances, Board Outcomes and RCEs	A04579-A04580
09/28/06	Independent Claims Filed in Cases for FY 2005-2006 and Total Claims Filed in Cases for FY 2005-2006	A04581-A04585

09/28/06	Independent and Total Claims in Application at Filing for FY 1998-2006	A04586-A04590
09/29/06	Claim Counts for FY 2006	A04591-A04672
09/30/06	Biweekly Technology Center 2900 Time And Activity Report	A04673-A04674
10/12/06	FY 2005 Statistics on Continuations	A04675
10/12/06	Proposed Rule Changes to Focus the Patent Process in the 21 st Century	A04676-A04681
10/12/06	The State of the Patent System Background for Rule Proposals	A04682-A04686
10/12/06	USPTO Request for Public Input: Strategic Panning	A04687-A04704
10/18/06	OPQA RCE Review	A04705-A04718
10/23/06	PCTs Filed in CY05 with Parent Entity Information	A04719-A04720
10/23/06	Patent Examiner Hiring Models	A04721-A04731
10/25/06	Claims Analysis on Applications in Status 18-32 (New Cases)	A04732-A04733
10/26/06	CPA-RCE-CON-CIP 2 nd and 3 rd Generation Filings by Entity for FY 1995-2006	A04734-A04737
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12/13/06	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04748-A04752
01/08/07	Distribution of claims in FY 2006 filings, newly serialized cases only, PALM Data 1/8/2007	A04753
01/08/07	Distribution of Independent Claims at Filing, PALM Data 1/8/2007	A04754
01/08/07	Distribution of Total Claims at Filing, PALM Data, 1/8/2007	A04755
01/08/07	Total Claims at Filing and Issue, FY06, PALM Data, 1/8/2007	A04756
01/11/07	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04757-A04760
01/22/07	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04761-A04764
01/24/07	RCE-CONs 4 Plus Filings	A04765-A04766
01/26/07	Claim Categories with Continuity	A04767-A04783
01/29/07	Terminal Disclaimers in FY 1999-2001 Filings	A04784-A04785
02/00/07	2008 President's Budget	A04786-A04984
02/07/07	Issued Claims in Utility Patents Based on PALM Data for FY 2005-2007	A04985-A04988

02/07/07	Claims Analysis by Entity for FY 2005, Quarters 2, 3 & 4 of FY 2005 and FY 2006-to-Date	A04989-A04992
02/07/07	Issued Claims in Utility Patents (PALM Data, FY 2006 Issues)	A04993-A04995
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02/15/07	Divisional Analysis – Number Claimed in Applications for FY 2001-2007	A05010-A05013
02/15/07	CPA-RCE-CON-CIP 2 nd and 3 rd Generation Filings by Entity for FY 1995-2007	A05014-A05017
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03/07/07	Refilings – 1980-2007	A05021
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05/08/07	Claims in cases – new rule	A05038-A05039
05/10/07	Claims in cases – new rule	A05040-A05041
05/15/07	Independent and Total Claims Breakdown by Entity for FY 2006	A05042-A05052
05/18/07	OPQA Error Rate Findings vs. Claims at Filing	A05053-A05060
06/05/07	UPR Filings and Refilings for FY 1980-2007	A05061-A05062
06/11/07	Claims in cases – new rule	A05063-A05065
06/12/07	Claims in cases – new rule update	A05066-A05070
06/13/07	UPR Filings and Refilings for FY 1980-2007	A05071-A05072
06/13/07	RCE-CONs Combined 4 Plus Entity for 2006 Filings	A05073-A05618
06/19/07	Independent and Total Claims in Application at Filing for FY 1998-2007	A05619-A05620
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Undated	CPA-RCE-CON-CIP 2 nd and 3 rd Generation Filings by Entity for FY 1995-2006	A05623-A05625
Undated	Issued Claims in Utility Patents (PALM Data, FY2006 issues)	A05626

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Undated	Technology Centers Rework Statistics for FY 2002-2005	A07144
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Undated	First Action on Merits Allowance Rates by Discipline for FY 1983-2005 (FAOMs after RCE/CPA/R129 are included)	A07161-A07162
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VI. INFORMATION RELATING TO REGULATORY FLEXIBILITY ACT		
DATE	DESCRIPTION	BATES NO.
11/00/86	NBER Working Paper Series – Working Paper No. 2083 - The Value Of Patents As Indicators Of Incentive Activity by Zvi Griliches, Ariel Pakes, Bronwyn Hall	A07203-A07205
03/00/95	NBER Working Paper Series – Working Paper No. 5049 – Trade In Ideas: Patenting And Productivity On The OECD by Jonathan Eaton and Samuel Kortum	A07206-A07208
05/00/00	Market Value and Patent Citations: A First Look by Bronwyn Hall, Adam Jaffee and Manuel Trajtenberg	A07209-A07211
06/00/01	Statement of Financial Accounting Standards No. 142; Goodwill and Other Intangible Assets	A07212-A07321
05/00/05	Who enjoys “TRIPs” Abroad? An empirical analysis of intellectual property rights in the Uruguay Round by Phillip McCalman	A07322-A07324
11/25/05	Memorandum from B. Knight to T. Sullivan regarding Certification Under 605(b) of the Regulatory Flexibility Act	A07325-A07327
12/22/05	Memorandum from S. Brown to D. Rostker regarding submission of a proposed addition of a currently approved collection	A07328-A07477
00/00/06	United States Patent and Trademark Office Performance And Accountability Report, Fiscal Year 2006	A07478-A07479
09/12/06	E-mail from E. Gormsen to R. Bahr regarding cost elements question	A07480
09/20/06	E-mail from R. Bahr to E. Gormsen regarding request for information, and scheduling a meeting	A07481
09/28/06	E-mail from J. Collier to R. Bahr regarding estimating representative claims	A07482
09/29/06	E-mail from J. Collier to R. Bahr regarding update on tentative conclusions on AB93/AB94	A07483
09/29/06	Pre-Examination Search Document for Attorney Docket No. 076376.0411	A07484-A07560
09/29/06	Pre-Examination Search Document for Attorney Docket No. 076376.0412	A07561-A07609
09/29/06	Pre-Examination Search Document for Attorney Docket No. 076376.0413	A07610-A07698
11/20/06	71 Fed. Reg. 67109 – Business Size Standard for Purposes of United States Patent and Trademark Office Regulatory Flexibility Analysis for Patent-Related Regulations	A07699-A07702

11/21/06	Request For Reconsideration Of Decision On Petition To Make Special for Application No. 11/549,286	A07703-A07811
12/00/06	The Small Business Economy For Data Year 2005 – A Report To The President	A07812-A08091
12/04/06	Supplemental Petition To Make Special Under Accelerated Examination Program	A08092-A08208
03/13/07	PRA Update	A08209-A08226
03/14/07	E-mail from G. Morse to J. Doll regarding number of 3 CON/CIP filings or 4+ CON/CIP/RCE/CPA filings, by TC, as of 3/13/07	A08227
03/28/07	E-mail from R. Bahr to E. Gormsen regarding cost elements question	A08228-A08230
04/02/07	E-mail from R. Bahr to E. Gormsen regarding patenting trends report	A08231
04/05/07	E-mail from R. Bahr to E. Gormsen regarding patenting trends report	A08232-A08233
04/10/07	E-mail from R. Bahr to E. Gormsen regarding cost elements question	A08234-A08236
04/25/07	E-mail from J. Collier to A. Ostrup regarding follow-up to yesterday's call	A08237
05/03/07	E-mail from J. Collier to R. Bahr attaching claims data spreadsheet	A08238-A08239
05/06/07	E-mail from R. Bahr to J. Collier regarding claims data	A08240
05/06/07	E-mail from R. Bahr to J. Collier attaching claims data spreadsheet	A08241-A08242
05/07/07	E-mail from J. Collier to R. Bahr regarding applicants affected by claims and continuing application requirements	A08243
05/08/07	E-mail from J. Collier to R. Bahr regarding AIPLA definition of "minimal complexity"	A08244-A08247
05/08/07	E-mail from E. Gormsen to R. Bahr regarding claims data analysis	A08248
05/09/07	E-mail from R. Bahr to J. Collier regarding bottom up analysis of ESD	A08249-A08250
05/10/07	E-mail from R. Bahr to E. Gormsen regarding applications and preexamination searches	A08251
05/11/07	E-mail from E. Gormsen to R. Bahr regarding data request	A08252-A08254
05/15/07	E-mail from R. Bahr to E. Gormsen regarding data request	A08255-A08263
06/06/07	E-mail from R. Bahr to J. Collier regarding regulatory alternatives	A08264-A08265
06/12/07	E-mail from R. Bahr to E. Gormsen regarding claims data spreadsheet	A08266-A08267
06/27/07	E-mail from R. Bahr to J. Collier regarding certification analysis	A08268-A08269

06/29/07	Certification Analysis Under The Regulatory Flexibility Act: Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications, Prepared by ICF International	A08270-A08306
07/10/07	Memorandum from W. Covey to T. Sullivan regarding Certification Under 605(b) of the Regulatory Flexibility Act	A08307-A08315
09/18/07	USPTO Organization Chart	A08316-A08318
09/20/07	FY 2007 Fee Schedule from USPTO website	A08319-A08329
VII ADDITIONAL CORRESPONDENCE		
DATE	DESCRIPTION	BATES NO.
11/04/04	Letter from E. Meltzer to W. Logsdon responding to an invitation extended to J. Dudas to speak to the Patent Bar in Pittsburgh	A08330-A08333
02/08/06	Letter from J. Dudas to T. Davis responding to concerns raised with respect to procedures for the examination and reexamination of patents	A08334-A08340
03/02/06	Letter from E. Meltzer to C. Stephens responding to an invitation extended to the USPTO to participate in a panel discussion during the New York Biotechnology Association's Annual Meeting	A08341-A08344
05/01/06	Letter from T. Dzenitis to B. Boxer responding to concerns over proposed rule changes by the USPTO	A08345-A08364
05/08/06	Letter from J. DelPonti to J. Dudas providing comments to the proposed rule changes	A08365-A08368
05/25/06	Letter from E. Meltzer to B. Groff responding to an invitation extended to the USPTO for a speaking engagement for the State Bar of Georgia	A08369-A08370
06/12/06	Letter from E. Meltzer to M. Dowling responding to an invitation extended to the USPTO for a speaking engagement for the Greater Dallas Chamber's Technology Business Council	A08371-A08375
06/22/06	Letter from R. Bahr to M. Voet responding to comments received regarding proposed rule changes	A08376-A08377
08/17/06	Letter from C. Gutierrez to S. Crooke responding to comments received regarding proposed rule changes	A08378-A08392
10/03/06	Letter from E. Meltzer to E. Lonergan responding to an invitation extended to the USPTO for a speaking engagement in the Upstate New York area	A08393-A08398

10/04/06	Letter from D. Sampson to V. Norton responding to comments received regarding proposed rule changes	A08399-A08413
10/29/06	Letter from R. Nydegger to S. Pinkos providing comments regarding the proposed rule changes	A08414-A08419
10/31/06	Letter from E. Meltzer to P. Thurlow responding to an invitation extended to the USPTO for a speaking engagement for the New York Intellectual Property Law Association	A08420-A08423
01/10/07	Letter from E. Meltzer to K. Christensen responding to an invitation extended to the USPTO for a speaking engagement at the Utah IP Summit	A08424-A08427
04/17/07	Letter from J. Dudas to P. Wenger responding to comments received regarding proposed rule changes	A08428-A08432
07/03/07	Letter from D. Boundy to D. Copley regarding budget effects of two proposed rule changes	A08433-A08442
07/05/07	Letter from E. Meltzer to T. Kastelic responding to an invitation extended to the USPTO for a speaking engagement at the 17 th Annual Ohio Annual Institute on Intellectual Property in Cleveland	A08443-A08449
07/05/07	Letter from E. Meltzer to D. Leo responding to an invitation extended to the USPTO for a speaking engagement at the Corporate Patent Roundtable in Hilton Head Island, South Carolina	A08450-A08451
08/21/07	Letter from E. Meltzer to J. Wager responding to an invitation extended to the USPTO for a speaking engagement in Cambridge, Massachusetts	A08452-A08453
VIII.	MISCELLANEOUS	
DATE	DESCRIPTION	BATES NO.
10/05/98	63 Fed. Reg. 53498 – Changes To Implement the Patent Business Goals	A08454-A08487
08/30/04	USPTO Federal Register Publications And Rule Making, And Official Gazette Publications Agency Administrative Order 217-02A	A08488-A08502
05/16/07	Meeting Record Regarding: Changes to Practice	A08503-A08504
06/29/07	E-mail from C. Barnes to J. McDowell regarding revised AB93 AB94	A08505
07/05/07	E-mail from D. Rostker to J. McDowell regarding budget effect of two Patent Office rules (w/attachment)	A08506-A08515
08/02/07	Letter from J. Dudas to Pelosi, Cheney, Gamboa enclosing final rule entitled “Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications	A08516-A08524

EX ADDITIONAL USPTO PRESENTATIONS		
DATE	DESCRIPTION	BATES NO
01/10/06	Notice of Proposed Rule Making – Proposed Changes to Practice for continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims (71 Fed. Reg. 48, January 3, 2006) by Robert Spar, Director of Office of Patent Legal Administration	A08525-A08591
01/11/06	Proposed Changes to Practice of Continued Examination Practice – Proposed Requirements for Continuing Applications	A08592-A08610
01/23/06	Summary of Proposed Rule Changes to Continuations, Double Patenting, and Claims by James Toupin, General Counsel	A08611-A08625
01/25/06	Coming Attractions – Los Angeles Intellectual Property Law Association “Washington and the West” Conference by James Toupin, General Counsel	A08626-A08633
01/25/06	The State Of The Patent System Background For Rule Proposals - Los Angeles Intellectual Property Law Association “Washington and the West” Conference by James Toupin, General Counsel	A08634-A08648
02/01/06	Summary of Proposed Rule Changes to Continuations, Double Patenting, and Claims by James Toupin, General Counsel	A08649-A08687
02/04/06	USPTO Request for Public Input: Strategic Planning - AIPLA Mid-Winter Institute by John Doll, Commissioner for Patents	A08688-A08748
03/02/06	Rules Proposals On Claims And Continuations And Developments In Appeal Practice – Oregon Patent Law Association by James Toupin	A08749-A08793
03/14/06	The Patent Office Speaks – DC Bar Intellectual Property Law Section by John Doll, Jay Lucas and Stewart Levy	A08792-A08868
03/25/06	USPTO Rules Proposals: Seeking Focus In The Burgeoning Patent System – Orange County Patent Lawyers Association – San Diego IP Lawyers Association by James Toupin, General Counsel	A08869-A08910
04/26/06	Challenges Facing the USPTO Presentation by Peggy Focarino, Deputy Commissioner for Patent Operations	A08911-A08925
07/17/06	USPTO 21 st Century Strategic Plan Update – National Association of Patent Practitioners (NAPP) by John Doll, Commissioner for Patents	A08926-A08959

07/18/06	How the New PTO Regulations Will Impact Your Practice – George Mason University School Of Law Fifth Annual Symposium on Hot Topics in Patent Law by Jay Lucas, Deputy Commissioner for Patent Examination Policy	A08960-A08979
07/22/06	Intellectual Property Law Summer Institute by John Doll, Commissioner for Patents	A08980-A09029
Undated	Notice of Proposed Rule Making	A09030-A09031
Undated	Chicago Regional Independent Inventors Conference by John Doll, Commissioner for Patents	A09032-A09061
Undated	Notice of Proposed Rule Making – Changes To Practice For The Examination Of Claims In Patent Applications	A09062-A09085
Undated	11 th Annual Independent Inventors Conference by John Doll, Commissioner for Patents	A09086-A09113
Undated	USPTO Request for Public Input: Strategic Planning by John Doll, Commissioner for Patents	A09114-A09198
Undated	Notice of Proposed Rule Making –Changes to Practice for the Examination of Claims in Patent Applications (71 Fed. Reg. 61, January 3, 2006) by Robert Spar, Director of Office of Patent Legal Administration	A09199-A09255
Undated	USPTO Request for Public Input: Strategic Planning by John Doll, Commissioner for Patents	A09256-A09314
Undated	Examination of Claims	A09315-A09330
Undated	USPTO Request for Public Input: Strategic Planning by John Doll and Jay Lucas	A09331-A09389
X. FINAL RULES		
DATE	DESCRIPTION	BATES NO.
08/21/07	72 Fed. Reg. 46716 - Changes to Practice for Continued Examinations Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications; Final Rule	A9390-A09518
09/11/07	1322 O.G. 76 - Changes to Practice for Continued Examinations Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications	A09519-A09622