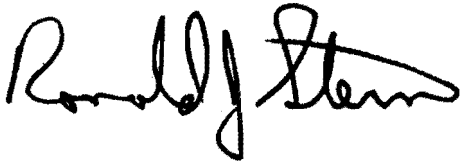
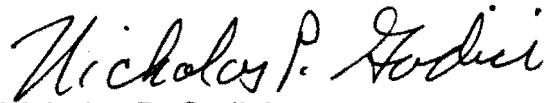


**PARTNERSHIP AGREEMENT BETWEEN
THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE PATENT OFFICE PROFESSIONAL ASSOCIATION**

The Deputy Assistant Commissioner for Patents and the President of the Patent Office Professional Association hereby approve the Partnership Working Group recommended procedures for New Patent Rule Changes to be implemented corp-wide as of December 1, 1997. The Working Group recommendations agreed to, in the spirit of partnership, by representatives of the Patent and Trademark Office and the Patent Office Professional Association shall be implemented in accordance with the document attached hereto.



Ronald Stern,
President,
Patent Office Professional
Association



Nicholas P. Godici
Acting Deputy Assistant Commissioner
for Patents

For: POPA

For: Patent and Trademark Office

Feb 5, 1998

Date

2/5/98

Date

**Partnership Working Group Recommendations
New Patent Rule Changes Implementation, December 1, 1997**

I

Substitute Specification

No errors based on new matter in an unsolicited substitute specification will be charged to an examiner which are solely derived from such an unsolicited substitute specification. However, it remains the responsibility of the examiner to take appropriate action if any errors are found to ensure patentability of the allowed claims.

II

Continuing Prosecution Applications

1. Continuing Prosecution Applications (CPAs) will be placed on an examiner's amended case docket unless the application is a divisional application which will be placed on the continuing new case docket. The maximum turnaround times for amended cases remains at two months.

2. An examiner shall receive timely actual notice of filing and processing of a CPA before the abandonment count is credited. Any CPA abandonment count credited to the examiner at the end of a fiscal year without timely notice will be subtracted from the examiner's productivity during the correction cycle if requested by the examiner. Timely notice for the end of the fiscal year is actual notice by the close of business on the next to the last business day of the fiscal year.

3. During a transition period of six months beginning January 4, 1998 to June 20, 1998, information/data will be collected to assess the impact on workload caused by the elimination of applications filed under 37 CFR 1.60 and 37 CFR 1.62. The information/data will include notification to the SPE when an excessive number of CPAs are due for action in a single biweek along with the resultant action taken by the examiner on such cases (e.g. first action allowances, first action final rejections, first action non-final rejections, no action completed as sanctioned by SPE). A form will be available for examiners and SPEs to record this information during the transition period. The data will also include the number of examiners who qualified for the pendency reduction award in the full year prior to December 1, 1997 and the number who qualify at the end of the transition period. All collected data and information will be given to POPA by August 31, 1998. Upon the request of either party within one month of POPA's receipt of the data and information, this issue of workload impact shall be revisited.

4. An examiner will receive counts for every CPA filing by analogy to the previously established practice of rules 37 CFR 1.60 and 1.62, i.e., every CPA filing is analogous to an express abandonment count and the examiner will receive two additional counts for the continued prosecution of the application.

5. For examiners working on the pendency award for the time period 10/1/97 to 3/28/98, no examiner shall be disqualified from receiving that pendency award if they complete all amended cases within one month in accordance with the Gainsharing awards agreement and all CPAs on their amended docket within two months.

III

Reopening Prosecution After Notice of Appeal

When reopening of prosecution is required after the filing of a Notice of Appeal caused by no fault by the examiner, the SPE may authorize other examining time for further prosecution of the application based on the amount of additional work required. When an application is remanded from the Board of Appeals based on newly raised issues by the appellant, after the Examiner's answer is written, for the purpose of obtaining examiner additional input, caused by no fault by the examiner, the SPE may authorize other examining time for formulating the response to the Board

IV

Revival of Abandoned Applications

1. When an application is revived under 37 CFR 1.137(b), as changed effective December 1, 1997, and the time between the mailing date of the last Office action and the date the revived case is forwarded to the examiner by the SPE or the LIE is more than 2 years, the count for reviving the application will not be deducted from the examiner's productivity. If prosecution is resumed, the examiner will be credited another disposal count at the end of prosecution.

2. When an application is revived under 37 CFR 1.137(b), as changed effective December 1, 1997, and where a different examiner is assigned to handle the next action on the merits, the count for reviving the application will not be deducted from the examiner's productivity. In addition if prosecution is resumed, the examiner may normally receive an appropriate amount of examining related time but no more than 1/2 the hours per production unit assigned to the application in addition to the disposal count at the end of prosecution.

V

Other

With regard to the instant partnership effort, situations pertaining to the new Patent Rule Changes implemented December 1, 1997, arising on or before December 1, 1998 which have not been addressed in Working Group Partnership discussions will be jointly addressed with the goal being to reach a reasonable decision in an expedient manner.

Partnership Working Group

Janice Howell	<u>Janice A. Howell</u>	Date: <u>1/22/98</u>
Karen Hastings	<u>Karen Hastings</u>	Date: <u>1-22-98</u>
Art Grimley	<u>Art Grimley</u>	Date: <u>1-27-98</u>
Howard Locker	<u>Howard Locker</u>	Date: <u>1/22/98</u>
Andres Kashnikow	<u>Andres Kashnikow</u>	Date: <u>1/22/98</u>
Joe Valenza	<u>Joe Valenza</u>	Date: <u>1/22/98</u>
Paula Hutzell	<u>Paula Hutzell</u>	Date: <u>1/27/98</u>
Vinh Luong	<u>Vinh Luong</u>	Date: <u>1/22/98</u>
Kathy Duda	<u>Kathy Duda</u>	Date: <u>1-22-98</u>
Portia Robinson	<u>Portia Robinson</u>	Date: <u>1/22/98</u>