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1201 WEST PEACHTREE STREET, NW
ONE ATLANTIC CENTER, FOURTEENTH FLOOR
ATLANTA GA 30309-3488

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Meyer, et al.	:	
Application No. 13/250,545	:	DECISION ON PETITION
Filed: September 30, 2011	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. C074401.0320634	:	

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed October 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

In accordance with 37 CFR 1.78(a)(5)(ii), if the later-filed application is an application filed under 35 USC 111(a), the reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application. As the time period for submitting a timely claim has not expired, the instant petition is subject to dismissal.

In view of the above, no fee has been charged in connection with this matter.

It is noted that the petition is accompanied by an amendment to the first sentence of the specification to include a reference to the prior-filed provisional application. It is noted that the amendment includes an improper incorporation by reference statement. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date. See, 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See, Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note, MPEP §§ 201.06(c) and 608.04(b)

The desired reference is also included in an Application Data Sheet (ADS). However, given the inconsistency between the amendment and the ADS with respect to the incorporation by reference statement, the reference **has not** been entered into the record.

Applicants may submit a proper priority claim within the time periods set forth at 37 CFR 1.78(a)(5)(ii) without the need of a petition.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3205.

This application is being referred to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	2204819.00123US13	Application Number (if known):	Not Yet Assigned	Filing date: Concurrently Herewith
First Named Inventor:	Aniket KALE			
Title:	Stepwise Extraction of Plant Biomass for Diesel Blend Stock Production			

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:

Signature	/John V. Hobgood/	Date	September 30, 2011
Name (Print/Typed)	John V. Hobgood	Registration Number	61,540

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/250,571	09/30/2011	Aniket Kale	2204819.00123US13	2014

23483 7590 11/04/2011
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
1778	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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60 STATE STREET
BOSTON MA 02109

NOV 04 2011

In re Application of	:	
Kale	:	DECISION ON PETITION
Application No. 13/250,571	:	TO MAKE SPECIAL UNDER
Filed: 9/30/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2204819.00123US13**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/30/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1778 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	2204819.00123US12	Application Number (if known):	Not Yet Assigned	Filing date: Concurrently Herewith
First Named Inventor:	Aniket KALE			
Title:	Methods of and Systems for Producing Diesel Blend Stocks			

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:

Signature	/John V. Hobgood/	Date	September 30, 2011
Name (Print/Typed)	John V. Hobgood	Registration Number	61,540

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/250,587	09/30/2011	Aniket Kale	2204819.00123US12	4810

23483 7590 11/04/2011
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
1778	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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60 STATE STREET
BOSTON MA 02109

NOV 04 2011

In re Application of	:	
Kale	:	DECISION ON PETITION
Application No. 13/250,587	:	TO MAKE SPECIAL UNDER
Filed: 9/30/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2204819.00123US12**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/30/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1778 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	2204819.00123US11	Application Number (if known):	Not Yet Assigned	Filing date:	Concurrently Herewith
First Named Inventor:	Aniket KALE				
Title:	Methods of and Systems for Dewatering Algae and Recycling Water Therefrom				

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:

Signature	/John V. Hobgood/	Date	September 30, 2011
Name (Print/Typed)	John V. Hobgood	Registration Number	61,540

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/250,600	09/30/2011	Aniket Kale	2204819.123US11	9917

23483 7590 11/04/2011
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER

ART UNIT	PAPER NUMBER
1653	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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NOV 0 4 2011

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BOSTON MA 02109

In re Application of	:	
KALE, Aniket *et al.*	:	DECISION ON PETITION
Application No. 13/250600	:	TO MAKE SPECIAL UNDER
Filed: September 30, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2204819.123US11	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed September 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1653 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PWRGP035X1D1	Application Number (if known): 13/250,729	Filing date: September 30, 2011

First Named Inventor: Mingming Geng

Title: NICKEL HYDROXIDE ELECTRODE FOR RECHARGEABLE BATTERIES

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of Special Status for Eligibility Requirement for Green Tech Pilot Program

Signature /Anna L. Gavrilova/	Date October 25, 2011
Name (Print/Typed) Anna L. Gavrilova	Registration Number 58,181

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/250,729	09/30/2011	Mingming GENG	PWRGP035X1D1	3943

22434 7590 11/09/2011
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
MARTIN, ANGELA J

ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

Nov. 9, 2011

In re Application of	:	
Geng et al.	:	DECISION ON PETITION
Application No. 13/250,729	:	TO MAKE SPECIAL UNDER
Filed: 9/30/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PWRGP035X1D1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10/25/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1727 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK MI 48067

MAILED
OCT 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Klein, Stanley	:	
Application No. 13/250,868	:	ON PETITION
Filed: September 30, 2011	:	
Attorney Docket No. 060871.00005	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney, as well as a copy of Mr. Stanley Klein's U.S. Passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/250,892	09/30/2011	Michael Boyd	P8383USC1	8798

82427 7590 12/06/2011
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036

EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
12/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

Doc Code: TRACK1.GRANT

DEC 0 6 2011

Decision Granting Request for Prioritized Examination (Track I)	Application No.: 13/250892

1. THE REQUEST FILED 09/30/2011 IS **GRANTED**.

   The above-identified application has met the requirements for prioritized examination (Track I).

2. **The above-identified application will undergo prioritized examination.** The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:

   A. filing a **petition for extension of time** to extend the time period for filing a reply;

   B. filing an **amendment to amend the application to contain more than four independent claims, more than thirty total claims**, or a multiple dependent claim;

   C. filing a **request for continued examination**;

   D. filing a notice of appeal;

   E. filing a request for suspension of action;

   F. mailing of a notice of allowance;

   G. mailing of a final Office action;

   H. completion of examination as defined in 37 CFR 41.102; or

   I. abandonment of the application.

Telephone inquiries with regard to this decision should be directed to Robert Weinhardt at 571-272-6633. In his/her absence, calls may be directed to Steven Meyers at 571-272-6611.

[Signature]

Business Practice Specialist
(Title)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 16, 2012

In re Application of :

Thomas Gruber

Application No : 13250947

Filed : 30-Sep-2011

Attorney Docket No : P11357US1

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 16, 2012

The request is **APPROVED.**

The request was signed by Amir H. Raubvogel (registration no. 37070) on behalf of all attorneys/agents associated with Customer Number 71191 . All attorneys/agents associated with Cusotmer Number 71191 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Apple Inc.
Name2	Attn: Patent Department
Address 1	1 Infinite Loop
Address 2	M/S 36-2PAT
City	Cupertino
State	CA
Postal Code	95014
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	13250947
Filing Date	30-Sep-2011
First Named Inventor	Thomas Gruber
Art Unit	2626
Examiner Name	
Attorney Docket Number	P11357US1
Title	Automatically Adapting User Interfaces For Hands-Free Interaction

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 71191

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Apple Inc. Attn: Patent Department
Address	1 Infinite Loop M/S 36-2PAT
City	Cupertino
State	CA
Postal Code	95014
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amir H. Raubvogel/
Name	Amir H. Raubvogel
Registration Number	37070

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/251,284	10/02/2011	John Alexander Petit		7668

16990 7590 10/18/2011
John A Petit
425 Tilden St
Watertown, NY 13601

EXAMINER

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
10/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John A Petit
425 Tilden St
Watertown NY 13601

In re Application of:
PETIT, John
Serial No.: 13/251,284
Filed: October 2, 2011
Title: **INTELLIAIRE CLIMATE CONTROLLER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 2 & 10, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with conditions I-3, II-5 and II-6 for the reasons listed below. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination program.

ANALYSIS

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 C.F.R. § 1.111(a), but was not complete under 37 C.F.R. § 1.51, thus not in condition for examination at the time of filing. The mailing of the Notice To File Corrected Application Papers on October 7, 2011 is evidence that the application was not complete and in condition for examination at the time of filing.
Additionally, the petition lacks the required preexamination search report (II-5) and an accelerated examination support document (II-6).

Accordingly, the petition to make special under the accelerated examination program is **DENIED**.

The application will therefore be taken up by the examiner in its regular turn.

Lastly, information regarding the Green Technology Pilot Program is available at:
http://www.uspto.gov/patents/init_events/green_tech.jsp

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

Petition to make special under the Green Pilot program

Title of Invention: Intelliaire Climate Controller

Inventor: John Alexander Petit

Application Number: 13251284

My invention has the capability to save large amounts of the energy used to heat and cool buildings all across the world. It is a simple controller that can run anything from a simple air conditioner to a complete arrangement of heating and cooling devices. The user chooses their own savings by allowing a greater parameter of temperatures inside their building. It uses the climatically different variables between night and day to exchange stale indoor air with fresh outdoor air; when doing so it cools the indoors with minimal energy use during the cooling season. The cooler the user allows it to be the greater the energy savings. It works the same during the heating season, only in reverse. In some instances buildings may go many weeks or even months without the need of furnaces or air conditioners depending on the parameters allowed by the user.

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 13251284	Filing date: 10/02/2011

First Named Inventor: John Alexander Petit

Title: Intelliaire Climate Controller

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Petition-to make green-summary green; statement for substitute specifications

Signature / John Alexander Petit /	Date 10/23/2011
Name (Print/Typed) John Alexander Petit	Registration Number

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/251,284	10/02/2011	John Alexander Petit		7668

16990 7590 11/18/2011
John A Petit
425 Tilden St
Watertown, NY 13601

EXAMINER

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
11/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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11/18/11

John A Petit
425 Tilden St
Watertown NY 13601

In re Application of	:	
Petit	:	DECISION ON PETITION
Application No. 13/251,284	:	TO MAKE SPECIAL UNDER
Filed: 10/2/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10/23/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3661 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13251397	Confirmation Number	3896	Filing Date	2011-10-03
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Iona Krush				
Title of Invention	Multifrequency Sieve Assembly for Circular Vibratory Separator				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Iona		Krush	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/N.Reingand/	Date (YYYY-MM-DD)	2011-10-03
Name	Nadya Reingand	Registration Number	60933

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Iona Krush

Application No. 13251397

Filed:

Attorney Docket No. KRO-10-2011

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/251,668	10/03/2011	Gregory J. Mesaros	EWIN-002	5508

28661 7590 11/15/2011
LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden, NV 89423

EXAMINER
TAYLOR, APRIL ALICIA

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden NV 89423

In re Application of: Gregory MESAROS Serial No.: 13/251668 Filed: 03 October 2011 Title: **LOCATION BASED DISCOUNTS**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on 03 October 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4; II.5.1-5.3, 6 and 6.1- 6.6, above are considered to have been met. However, the petition fails to comply with conditions section II, subsection 5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In order to meet the requirement of section II, subsection 5, the pre-examination search provided appears to be lacking. The following classes and subclasses should also be included in the search: 335/383, 492 and 705/14.1, 14.25, 14.49, 14.53, 14.57, 14.67. For the above reason, the petition does not meet the requirements of section II, subsection 5, as set forth above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Day, Quality Assurance Specialist (QAS), at (571) 272-1568.

/Michael Day/

Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/251,668	10/03/2011	Gregory J. Mesaros	EWIN-002	5508

28661 7590 02/03/2012
LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden, NV 89423

EXAMINER
TAYLOR, APRIL ALICIA

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
02/03/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden NV 89423

In re Application of:
G. MESAROS
Serial No.: 13/251668
Filed: 03 October 2011
Title: **LOCATION BASED DISCOUNTS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed 3 October 2011, and request for reconsideration of petition decision filed 15 December 2011.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of

Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.

/Michael Day/

Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 145717.00003	Application Number (if known): 13/252,070	Filing date: October 3, 2011
First Named Inventor: Eric Johnson, et al.		
Title: FUEL RECOVERY		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of Special Status

Signature May Mowzoon	Date November 2, 2011
Name (Print/Typed) May M. Mowzoon	Registration Number 57,996

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☑ *Total of 2 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,070	10/03/2011	Eric Johnson	145717.00003	9678

26710 7590 11/18/2011
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

EXAMINER

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
11/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pat-dept@quarles.com

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11/18/11

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of	:	
Johnson et al.	:	DECISION ON PETITION
Application No. 13/252,070	:	TO MAKE SPECIAL UNDER
Filed: 10/3/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **145717.00003**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/2/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 913RO-001100US	Application Number (if known): 13/252,144	Filing date: October 3, 2011

First Named Inventor: Yen-Hung CHEN

Title: METHODS OF INVERSE DETERMINATION OF MATERIAL PROPERTIES OF AN ELECTROCHEMICAL SYSTEM

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Steve Y. Cho/	Date October 26, 2011
Name (Print/Typed) Steve Y. Cho	Registration Number 44,612

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT
Attorney Docket No.: 913RO-001100US
Client Ref. No.: S16.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 7047
Yen-Hung CHEN et al.	Examiner: Unassigned
Application No.: 13/252,144	Technology Center/Art Unit: 1726
Filed: October 3, 2011	STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT FOR PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM
For: METHODS OF INVERSE DETERMINATION OF MATERIAL PROPERTIES OF AN ELECTROCHEMICAL SYSTEM	
Customer No.: 83275	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request participation in the Green Technology Pilot Program for the above-identified application, pursuant to 37 C.F.R. 1.102.

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a). As submitted herewith, the application contains no more than three independent claims, twenty or fewer total claims, and no multiple dependent claims.

Applicant believes the pending claims in the application are directed to a single invention that materially contributes to the discovery or development of renewable energy resources. The claimed invention is directed to an advanced method for designing and manufacturing electrochemical cells of an energy system. More particularly, the pending claims provide a method to determine unknown material properties of an electrochemical system based on an inverse solution process.

By filing this petition, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Programs if the Office determines that the claims are not obviously directed to

a single invention. In addition, by filing this petition, Applicants hereby request early publication under 37 CFR 1.219. The publication fee set forth in 37 CFR 1.18(d) has been submitted with this request.

CONCLUSION

The Commissioner is authorized to charge any deficiency in any fees required under 37 C.F.R. 1.16 and/or 1.17, including extension of time fees, and credit any overpayment to Deposit Account No. 50-4713.

If a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425-348-3500.

Respectfully submitted,

/Steve Y. Cho/

Steve Y. Cho
Reg. No. 44,612

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace, WA 98043
Tel: 425-348-3500
Fax: 425-968-9795

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,144	10/03/2011	Yen-Hung CHEN	913RO-001100US	7047

83275 7590 01/11/2012
AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace, WA 98043

EXAMINER

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
01/11/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ampacc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

In re Application of	:	
CHEN et al.	:	DECISION ON PETITION
Application No. 13/252,144	:	TO MAKE SPECIAL UNDER
Filed: October 3, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.: 913RO-001100US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 27, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the petition alleges that the claimed invention contributes to the discovery or development of renewable energy resources. The claims are drawn to a method of determining a material property of a component of an electrochemical cell. The provided statement accompanying the petition does not make clear how this method contributes to renewable energy, nor does it provide any statement or evidence that the electrochemical cell of the claimed invention is in some way more efficient. While it is clear that the claimed invention relates to an electrochemical cell, that in and of itself is not sufficient to meet the materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

PATENT
Attorney Docket No.: 913RO-001100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 7047
Yen-Hung CHEN et al.	Examiner: Not Yet Assigned
Application No.: 13/252,144	Technology Center/Art Unit: 2857
Filed: October 3, 2011	PETITION FOR REQUEST FOR RECONSIDERATION OF DECISION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM
For: METHODS OF INVERSE DETERMINATION OF MATERIAL PROPERTIES OF AN ELECTROCHEMICAL SYSTEM	
Customer No.: 83275	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the decision dated January 11, 2012, denying the petition for participation in the Green Technology Pilot Program for the above-identified application pursuant to 37 C.F.R. 1.102.

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a). As submitted herewith, the application contains no more than three independent claims, twenty or fewer total claims, and no multiple dependent claims.

In the original petition, it was asserted that the claims of the instant patent application materially contribute to the discovery or development of renewable energy resources. Specifically, the claims are drawn to a method for determining unknown material properties of an electrochemical system based on an inverse solution process.

In denying the original petition for accelerated examination under the Green Technology Pilot program, the USPTO reviewer indicated:

> The provided statement accompanying the petition does not make clear how this method contributes to renewable energy, nor does it provide any statement or evidence that the electrochemical cell of the claimed invention is in some way more efficient. While it is clear that the claimed invention relates to an electrochemical cell, that in and of itself is not sufficient to meet the materiality standard. (Decision on Petition dated January 11, 2012, page 2)

In support of reconsideration, it is noted that the independent claim 1 recites as follows:

1. A method of designing a thin film battery device and manufacturing the thin film battery device by determining at least one material property of at least one component of an electrochemical system using a process to reduce a difference of a performance characteristic between a numerical simulation result of a physical model and an empirical result, the method comprising:

providing an electrochemical cell using a thin film process;

performing a plurality of tests on the electrochemical cell to identify one or more target performance characteristics of the electrochemical cell, the plurality of tests including respective operational modes of the electrochemical cell;

deriving a plurality of performance characteristics from the plurality of tests to provide a performance database, the performance database comprising the operational modes and the respective performance characteristics;

performing a surrogate based analysis process;

determining a plurality of outputs of the surrogate based analysis function; and

determining a value of the unknown material property. (Emphasis added)

Such a battery device can be used for a variety of applications such as portable electronics (cell phones, personal digital assistants, music players, video cameras, and the like), power tools, power supplies for military use (communications, lighting, imaging and the like), power supplies for aerospace applications (power for satellites), and power supplies for vehicle applications (hybrid electric vehicles, plug-in hybrid electric vehicles, and fully electric vehicles). The design of such batteries is also applicable to cases in which the battery is not the only power supply in the system, and additional power is provided by a fuel cell, other battery, IC engine or other combustion device, capacitor, solar cell, etc. See paragraph 5 of the present application.

In addition, it is respectfully asserted that by using an inverse process, which takes advantage of a performance characteristic to derive a feature of an electrochemical cell, the unknown material property of the electrochemical cell can be determined. The unknown material property of the electrochemical cell may include cell dimensions, materials, and other configuration parameters and the like, and most preferably, intrinsic cell properties such as diffusivity, conductivity, resistivity, kinetic constants, thermal expansion coefficient(s), and others. Accordingly, it is possible to systematically produce a cost effective design and manufacturing process for a thin film battery device including electrochemical cells that meets performance targets such as performance, reliability, safety, lifecycle, reclamation and reuse, cost, and other factors. As a result, both of the following goals may be achieved:

- encouraging the development of renewable energy resources; AND
- reducing greenhouse gas emissions.

By filing this petition for reconsideration, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Programs if the Office determines that the claims are not obviously directed to a single invention. In addition, the publication fee set forth in 37 CFR 1.18(d) has been submitted with the initial request filed on October 27, 2011.

A preliminary amendment has been submitted herewith to particularly point out the subject matter which Applicants regard as the invention.

The Commissioner is authorized to charge any deficiency in any fees required under 37 C.F.R. 1.16 and/or 1.17, including extension of time fees, and credit any overpayment to Deposit Account No. 50-4713. If a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425-348-3500.

Respectfully submitted,
/Steve Y. Cho/
Steve Y. Cho
Reg. No. 44,612

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580;
Mountlake Terrace, WA 98043
Tel: 425-348-3500; Fax: 425-968-9795
Attachment (Preliminary Amendment)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,144	10/03/2011	Yen-Hung CHEN	913RO-001100US	7047

83275 7590 02/02/2012
AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace, WA 98043

EXAMINER

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
02/02/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ampacc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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2/2/12

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

In re Application of	:	
Chen et al.	:	DECISION ON PETITION
Application No. 13/252,144	:	TO MAKE SPECIAL UNDER
Filed: 10/3/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **913RO-001100US**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/25/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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LOCKE LORD BISSELL & LIDDELL, LLP
600 TRAVIS SUITE 2800
HOUSTON, TX 77002-3095

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of
Lawrence Allen Sinor, et. al.
Application No. 13/252,172
Filed: October 3, 2011
Attorney Docket No. 0016422-265US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 CFR § 1.36(b) or 37 CFR § 10.40 filed March 7, 2012.

The request is **NOT APPROVED**.

A review of the file record indicates that the D. Brit Nelson and the attorneys/agents associated with Customer Number 22904 does not have power of attorney in this patent application, but may have they been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Additionally, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: SUTTON MCAUGHAN DEAVER, PLLC
3 RIVERWAY, SUITE 900
HOUSTON, TX 77056

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	13/252,244	First Named Inventor:	Ralph Longsworth
Filing Date:	October 4, 2011	Attorney Docket No.:	SHI 24.511
Title of the Invention:	FAST COOL DOWN CRYOGENIC REFRIGERATOR		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/054694

The international filing date of the corresponding PCT application(s) is/are: 04 OCTOBER 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ is attached.

☐ has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☑ are attached.

☐ have already been filed in the above-identified U.S. application on _____

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/252,244	First Named Inventor:	Ralph Longsworth

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	identical
2	2	identical
3	3	identical
4	4	identical
5	5	identical
6	6	identical
7	7	identical
8	8	identical
9	9	identical
10	10	identical
11	11	identical
12	12	identical
13	13	identical
14	14	identical
15	15	identical
16	16	identical
17	17	identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Samson Helfgott/	Date March 15, 2012
Name (Print/Typed) Samson Helfgott	Registration Number 23,072

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 080783.0109	Application Number (if known): Unassigned	Filing date: Herewith

First Named Inventor: Laurian Stoicoviciu

Title: Systems and Methods for Distributing Energy in a Roadway

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Brian K. Prewitt/	Date 2011-10-04
Name (Print/Typed) Brian K. Prewitt	Registration Number 60,135

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Laurian Stoicoviciu
Date Filed:	Herewith
Title:	SYSTEMS AND METHODS FOR DISTRIBUTING ENERGY IN A ROADWAY

PETITION FOR GREEN TECHN PILOT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLGOY PILOT PROGRAM STATEMENTS

Applicant submits herewith a Petition to Make Special Under the Green Technology Pilot Program and submit the following comments:

A. STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status is Applicant believes the instant invention materially enhances the quality of the environment and materially contributes to the development of renewable energy resources, energy conservation, and greenhouse gas reduction.

B. MATERIALITY STANDARDS

Applicant respectfully submits that that face of the application is clear regarding how the claimed invention materially enhances the quality of the environment and materially contributes to the development of renewable energy resources, energy conservation, and greenhouse gas reduction. As stated in the "Background" section of the application, environmental consciousness associated with the importation and use of petroleum products (e.g., environmental quality concerns, consumption of finite supply of petroleum products, emissions of carbon dioxide and other greenhouse gasses) has led to a desire for transition from the use of vehicles with internal combustion engines to electric vehicles or hybrid electric vehicles. It is well-known that vehicles with internal combustion engines contribute significantly to air pollution, negatively affect the environment, and use the world's finite supply of petroleum resources, while comparatively electric and electric hybrid vehicles contribute less to air pollution, have a significantly smaller negative effect on the environment, and consume fewer petroleum resources. The claimed invention attempts to overcome many of the existing challenges and disadvantages associated with transitioning from internal combustion engine vehicles to electric vehicles, including those challenges and disadvantages set forth in the "Background" section of the application, which have prevented full-scale adaptation of electrical vehicles that may enhance the quality of the environment and materially contribute to the development of renewable energy resources or energy conservation, and greenhouse gas reduction.

The specification of the present application discloses embodiments of each of a powering assembly and roadway system that attempts to overcome existing challenges and disadvantages by providing an efficient mechanism to provide electric energy to a roadway (e.g., from an existing power grid or via renewable energy resources including solar energy, thermal energy, and/or vibrational energy) and deliver such electric energy to a vehicle upon the roadway via magnetic induction and/or electrical conduction such that the electric energy delivered to the vehicle is converted to mechanical energy for driving the vehicle. The instant application and its related co-pending applications claim methods and systems for powering a vehicle with the described powering assembly, methods and systems for efficiently and inexpensively converting

existing internal combustion engine vehicles to those with the described powering assembly, and methods and systems related to a roadway configured to deliver power to the described powering assembly, wherein the roadway includes a mechanism for generating and delivering renewable energy. Applicants submit that the systems and methods described and claimed in the present application and its related co-pending applications overcome many of the challenges and disadvantages that have presented a broader scale adoption of electrical vehicles and electrical-hybrid vehicles. For at least these reasons, Applicants submit that the invention described in the instant application materially enhances the quality of the environment and materially contributes to the development of renewable energy resources, energy conservation, and greenhouse gas reduction.

CONCLUSION

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2684.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

Brian K. Prewitt

Brian K. Prewitt
Reg. No. 60,135

Date: October 4, 2011

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2684; 512.322.8383 (fax)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,367	10/04/2011	Laurian Stoicoviciu	080783.0109	1089

31625 7590 11/02/2011
BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

apatent@bakerbotts.com
crystle.garbade@bakerbotts.com
brittany.marr@bakerbotts.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

In re Application of	:	
Laurian STOICOVICIU	:	DECISION ON PETITION
Application No. 13/252,367	:	TO MAKE SPECIAL UNDER
Filed: October 04, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 080783.0109	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 04, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUARLES & BRADY LLP
411 E. WISCONSIN AVE.
SUITE 2040
MILWAUKEE WI 53202-4497

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Application of :
EMMETT et al. :
Application No. 13/252,638 : ON PETITION
Filed: 10/04/2011 :
Attorney Docket No. 920357.00027 :

This is in response to the petition under 37 CFR 1.47(a), filed October 4, 2011.

In accordance with 37 CFR 1.63(d), petitioner submitted a copy of the executed declaration filed in Application No. 11/939,434. The present application is a continuation of 12/841,010 filed on July 21, 2010, which is a continuation of U.S. Patent Application of 11/939,434 filed on November 13, 2007, which is a continuation of U.S. Patent Application No. 11/728,138 filed March 23, 2007, which claims priority to U.S. provisional patent applications 60/785,316 filed March 23, 2006, 60/876,719 filed December 22, 2006, and 60/900,185 filed February 8, 2007. Additionally, petitioner submitted a copy of the decision mailed on October 4, 2010, granting a petition under 37 CFR 1.47(a) in prior Application No. 11/939,434.

As § 1.47(a) status was granted in the prior application, this application is hereby accorded § 1.47(a) status.

The present petition is **dismissed** as involving a moot issue because a petition is unnecessary to accord § 1.47(a) status in this application. As provided in 37 CFR 1.47(c), the Office is dispensing with the notice provision in this application because the Office provided notice to the non-signing inventor regarding the § 1.47(a) status in the prior application.

The $200.00 fee for filing this petition is unnecessary and will be refunded in due course.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Application of :
Scott A. Horstmeyer :
Application No. 13/252705 :
Filing or 371(c) Date: 10/04/2011 : ON PETITION
Attorney Docket Number: 050847-1033 :

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	2204819.00123US14	Application Number (if known):	Not Yet Assigned	Filing date: Concurrently Herewith
First Named Inventor:	Aniket KALE			
Title:	METHODS OF SELECTIVE REMOVAL OF PRODUCTS FROM AN ALGAL BIOMASS			

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:

Signature	/Jonathan Ben-Ur Roses/	Date	October 4, 2011
Name (Print/Typed)	Jonathan B. Roses	Registration Number	61,115

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,707	10/04/2011	Aniket Kale	2204819.00123US14	5776

23483 7590 12/15/2011
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER
DRODGE, JOSEPH W

ART UNIT	PAPER NUMBER
1778	

NOTIFICATION DATE	DELIVERY MODE
12/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

12/15/2011

In re Application of	:	
Kale	:	DECISION ON PETITION
Application No. 13/252,707	:	TO MAKE SPECIAL UNDER
Filed: 10/4/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2204819.00123US14**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1778 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 4740.1001-000	Application Number (if known):	Filing date:

First Named Inventor: Mrithyunjaya Annapragada

Title: Apparatus for Elastic Database Processing With Heterogeneous Data

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David J Thibodeau Jr Reg No 31671/	Date October 4, 2011
Name (Print/Typed) David J. Thibodeau, Jr.	Registration Number 31671

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,742	10/04/2011	Mrithyunjaya Annapragada	4740.1001-000	8004

21005 7590 12/07/2011
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
12/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of :
ANNAPRAGADA, Mrithyunjaya :
Application No. 13/252,742 :
Filed: October 4, 2011 :
For: **APPARATUS FOR ELASTIC DATABASE PROCESSING WITH HETEROGENEOUS DATA** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

The petition filed October 4, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4 above for the reasons explained in more detail below.

In the "Declaration of Special Status for Eligibility Requirement Under Green Technology Pilot Program," petitioner states that "Unlike prior techniques, it is not necessary to dedicate, in advance, a fixed number of hardware processors even when the database requires data dependent distribution of tables among the nodes. This enables implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet." This general statement merely describes known and common database management technology which fails to explain how the materiality standard is met. Furthermore, no nexus can be ascertained between the evidence provided with the petition, ("Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud," Exhibit A, and "Sustainability and the Cloud The Global Environmental Benefit of IT hosting and Cloud Technology," Exhibit B) and the claimed invention. To the contrary, the evidence seems to suggest that it is the technology disclosed in the exhibits, rather than the invention defined in the claims of the instant application, which "materially enhances the quality of the environment and provides for more efficient utilization and conservation of natural resources." Furthermore, no language can be found in the claims defining the "data management system" to "central locations" or a "data center." However, as stated previously, the benefits of a "cloud computing environment" seem to be disclosed by the exhibits. Accordingly, nothing in the claims relate to the utilization of renewable energy resources, reduce greenhouse gas emission or contribute to more efficient utilization and conservation of energy resources. Furthermore, any request for reconsideration will be reviewed pursuant to Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, which specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment."

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272 - 1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

DJT/nai
December 23, 2011

PATENT APPLICATION
Attorney's Docket No.: 4740.1001-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mrithyunjaya Annapragada		
Application No.:	13/252,742	Group:	2157
Filed:	October 4, 2011	Examiner:	Not yet assigned.
Confirmation No:	8004		
For:	Apparatus For Elastic Database Processing With Heterogeneous Data		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS CONCERNING "DECISION ON PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM"

The Applicant hereby makes the following comments on the "Decision on Petition to Make Special under the Green Technology Pilot Program Decision" mailed December 7, 2011 in the above referenced application. Applicant understands that the Petition has been dismissed and is not requesting review. However, the Applicant does wish to clarify the record.

In particular, the Decision seems to be based in part upon the following quoted portion of Applicant's statement:

> "Unlike prior techniques it is not necessary to dedicate, in advance, a fixed number of hardware processors even when the database requires data dependent distribution of tables among the nodes. This [invention] enables the implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet."

The Decision then reaches a conclusion that the quoted passage "merely describes known and common database management technology". However, Applicant does not agree that prior technologies teach how to implement a relational database system with a set of virtual machines that can be utilized on demand *even when the database requires data dependent distribution of*

tables among the nodes. This is a succinct statement of Applicant's novel contribution to the art, which enables cloud based database systems to now implement relational database applications. Applicant also does not agree that the claims are defined by the quoted passage above. The invention Applicant seeks protection for is recited in the claims and nowhere else.

The Patent Office has performed no search of the prior art, has made no prior art reference of record, has not applied the prior art made of record by Applicant, and has not in fact, referenced any evidence at all that the Applicant's claims "merely describe known and common database management technology".

Again, Applicants are not hereby requesting reconsideration of the Decision but, merely requesting that the record be clarified as to the status of examination with respect to the prior art.

Applicant's are submitting herewith a request for handling this application in accordance with the Prioritized Examination procedure under 37 C.FR. 1.102(e) as implemented by the Patent Office as of September 26, 2011. Further handling of the application pursuant to that program is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By /David J Thibodeau Jr Reg No 31671/
David J. Thibodeau, Jr.
Registration No. 31,671
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: December 23, 2011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,742	10/04/2011	Mrithyunjaya Annapragada	4740.1001-000	8004

7590 03/14/2012
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
03/14/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,784	10/04/2011	Gregory J. Hannon	5981/82764-A/GJG/REB	1005

23432 7590 12/07/2011
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

EXAMINER
ZARA, JANE J

ART UNIT	PAPER NUMBER
1635	

MAIL DATE	DELIVERY MODE
12/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of: Hannon et al.	:	
Serial No.: 13/252,784	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02
Filed: : October 4, 2011	:	
Docket: **5981/82764-A/GJG/REB**	:	

Title: **NOVEL STRUCTURALLY DESIGNED SHRNAS**

This is a decision on the petition of October 4, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
7. Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

8. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

9. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

10. Proceedings Outside the Normal Examination Process:
    If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

11. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/252,831	10/04/2011	Yvonne Uranga	101920.0001US3	4763

24392 7590 10/14/2011
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

EXAMINER

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rfish@fishiplaw.com
patents@fishiplaw.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 13 2011

Fish & Associates, PC
Robert D. Fish
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

In re application of Yvonne Uranga Application No. 13/252,831 Filed: October 4, 2011 For: CANOPY FOR UMBRELLAS	: : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on October 4, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention

(invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 10/12/11

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Sprinkle IP Law Group/Zimmer
1301 W. 25th Street
Suite 408
Austin, TX 78705

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of
Charles R. Forton et al.
Application No. 13/252,869
Filed: October 4, 2011
Attorney Docket No. **1292.1396102**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2012.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Sprinkle IP Law Group/Zimmer has been revoked by the assignee who has intervened as provide by 37 CFR 3.71 on February 9, 2012. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13252907	Confirmation Number	2472	Filing Date	2011-10-04
Attorney Docket Number (optional)	32114.00	Art Unit		Examiner	
First Named Inventor	VALERIE N. CLEVELAND				
Title of Invention	CONVERTIBLE WHEELCHAIR				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
GERLENE	C.	BORUM	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/ROBERT B. LYONS/	Date (YYYY-MM-DD)	2011-10-04
Name	ROBERT B. LYONS	Registration Number	40708

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
VALERIE N. CLEVELAND

Application No. 13252907

Filed:

Attorney Docket No. 32114.00

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Levenfeld Pearlstein, LLC
Intellectual Property Department
2 North LaSalle
Suite 1300
Chicago IL 60602

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael L. Schrimmer et al.	:	
Application No. 13/252,918	:	DECISION ON PETITION
Filed: October 4, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **35394-85262**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 29, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

PATENT APPLICATION
Docket No.: 4740.1002-000

DJT/nai
September 29, 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mrithyunjaya Annapragada

For: Mechanism for Co-Located Data Placement in a Parallel Elastic Database Management System

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

DECLARATION OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT UNDER GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, through the undersigned inventor(s), hereby requests that the above-referenced patent application be considered for the Green Technology Pilot Program and advanced out of order under 37 CFR 1.102, as it materially enhances the quality of the environment and provides for more efficient utilization and conservation of natural resources.

The present application relates to a method and apparatus for a database apparatus that provides parallelism and elasticity in the number of processors assigned as storage nodes and compute nodes. Unlike prior techniques, it is not necessary to dedicate, in advance, a fixed number of hardware processors even when the database requires data dependent distribution of tables among the nodes. This enables implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet.

Such large-scale sharing of Information Technology (IT) infrastructure resources over the Internet has become known as cloud computing.

To assess the environmental impact of cloud computing, Microsoft Corporation engaged with Accenture—a leading technology, consulting and outsourcing company—and WSP Environment & Energy—a global consultancy dedicated to environmental and sustainability issues—to compare the energy use and carbon footprint of Microsoft cloud offerings for businesses with corresponding Microsoft on-premise deployments. The results of that study were reported in "Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud", © 2010 by Accenture and WSP Environment and Energy (copy attached as Exhibit A).

That study, which was performed independently of any work by the undersigned inventors, found that, for large deployments, cloud solutions can reduce energy use and carbon emissions by more than 30 percent when compared to corresponding business applications installed on-premise. The benefits were even more impressive for small deployments, with estimated energy use and emissions reduced by more than 90 percent with a shared cloud service in some instances. Among the key factors enable cloud computing to lower energy use and carbon emissions was the use of "dynamic provisioning", that is, the better matching of server capacity with actual demand.

The present patent application is directed to techniques that include dynamic provisioning of database nodes to user demand (so-called elastic compute capacity), and therefore exhibits the same expected improvements in energy utilization and carbon emissions. Therefore the quality of the environment is enhanced, and less electricity or energy is consumed.

Thus, the invention materially contributes to both the improvement of the environment, and preservation of our environmental resources, notably potentially significant water conservation and reduction of fossil fuel usage.

Furthermore, in "Sustainability and the Cloud The Global Environmental Benefit of IT hosting and Cloud Technology" by Kepes, B., the two companies Diversity Limited and

RackSpace Hosting. looked at cloud computing models for enabling convenient, on-demand, networked access to a shared pool of configurable computing resources that can be rapidly provisioned and released with minimal management effort or service provider interaction (See Exhibit B). By aggregating demand in central locations, cloud computing vendors can now build data centers located in the most sustainable locations and designed to achieve the greatest per unit efficiency possible. Among the benefits found were leveraging multi-tenancy, server utilization through aggregating demand on servers at high utilization rates, and data center design optimization including power usage effectiveness and other factors. It was determined that a move to consolidating computing, especially in a cloud computing environment, can maximize efficiencies and minimize environment impact.

Thus, the present application materially contributes to both the improvement of the environment and preservation of environmental resources.

We thereby request accelerated examination of this patent application.

The undersigned inventor declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Mrithyunjaya Annapragada, Inventor

EXHIBIT A

Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud

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Executive Summary

The cloud's unprecedented economies of scale reduce overall cost and increase efficiencies, especially when replacing an organization's locally operated on-premise[1] servers. But does this advantage also translate to environmental benefits?

Cloud computing—large-scale, shared IT infrastructure available over the internet—is transforming the way corporate IT services are delivered and managed.

To assess the environmental impact of cloud computing, Microsoft engaged with Accenture—a leading technology, consulting and outsourcing company—and WSP Environment & Energy—a global consultancy dedicated to environmental and sustainability issues—to compare the energy use and carbon footprint of Microsoft cloud offerings for businesses with corresponding Microsoft on-premise deployments.

The analysis focused on three of Microsoft's mainstream business applications—Microsoft Exchange®, Microsoft SharePoint® and Microsoft Dynamics® CRM. Each application is available both as an on-premise version and as cloud-based equivalent.[2] The team compared the environmental impact of cloud-based vs. on-premise IT delivery on a per-user basis and considered three different deployment sizes—small (100 users), medium (1,000 users) and large (10,000 users).

The study found that, for large deployments, Microsoft's cloud solutions can reduce energy use and carbon emissions by more than 30 percent when compared to their corresponding Microsoft business applications installed on-premise. The benefits are even more impressive for small deployments: Energy use and emissions can be reduced by more than 90 percent with a shared cloud service.

Several key factors enable cloud computing to lower energy use and carbon emissions from IT:

- **Dynamic Provisioning:** Reducing wasted computing resources through better matching of server capacity with actual demand.
- **Multi-Tenancy:** Flattening relative peak loads by serving large numbers of organizations and users on shared infrastructure.
- **Server Utilization:** Operating servers at higher utilization rates.
- **Data Center Efficiency:** Utilizing advanced data center infrastructure designs that reduce power loss through improved cooling, power conditioning, etc.

Though large organizations can lower energy use and emissions by addressing some of these factors in their own data centers, providers of public cloud infrastructure are best positioned to reduce the environmental impact of IT because of their scale. By moving applications to cloud services offered by Microsoft or other providers, IT decision-makers can take advantage of highly efficient cloud infrastructure, effectively "outsourcing" their IT efficiency investments while helping their company achieve its sustainability goals. Beyond the commonly cited benefits of cloud computing—such as cost savings and increased agility—cloud computing has the potential to significantly reduce the carbon footprint of many business applications.

Introduction: Is the Cloud a "Greener" Computing Alternative?

Both cloud computing and sustainability are emerging as transformative trends in business and society. Most consumers (whether they are aware of it or not) are already heavy users of cloud-enabled services, including email, social media, online gaming, and many mobile applications. The business community has begun to embrace cloud computing as a viable option to reduce costs and to improve IT and business agility.

At the same time, sustainability continues to gain importance as a performance indicator for organizations and their IT departments. Corporate sustainability officers, regulators and other stakeholders have become increasingly focused on IT's carbon footprint, and organizations are likewise placing more emphasis on developing long-term strategies to reduce their carbon footprint through more sustainable operations and products.[3]

Cloud service providers are making significant investments in data center infrastructure to provide not only raw computing power but also Software-as-a-Service (SaaS) business applications for their customers. New data centers are being built at ever-larger scales and with increased server density, resulting in greater energy consumption. The Smart 2020 report[4] "Enabling the Low Carbon Economy In the Information Age" estimates that the environmental footprint from data centers will more than triple between 2002 and 2020, making them the fastest-growing contributor to the Information and Communication Technology (ICT) sector's carbon footprint.

It stands to reason that consolidating corporate IT environments into large-scale shared infrastructure operated by specialized cloud providers would reduce the overall environmental impact and unlock new efficiencies. But does this assumption pass the test of a quantitative assessment on a per-user basis?

Considerable research has been dedicated to understanding the environmental impact of data centers and to improving their efficiency.[5] However, the aggregate sustainability impact of choosing a cloud-based application over an on-premise deployment for the same application has not been rigorously analyzed. For example, how might a CRM solution for 1,000 sales agents reduce the overall environmental footprint when it is run in the cloud versus on a company's own servers? Is there a net benefit of moving to the cloud, or are we simply "outsourcing" the environmental impact to a service provider? This Microsoft-sponsored study is targeted at answering these kinds of questions.

Note: While this research focuses on direct carbon reduction benefits of the cloud, it is also important to mention potential indirect benefits of cloud computing beyond the scope of this study. Like broadband and other technologies provided by the ICT sector, cloud computing is emerging as a viable, scalable technology that can help significantly reduce carbon emissions by enabling new solutions for smart grids, smart buildings, optimized logistics and dematerialization. The Smart 2020 report estimates the potential impact of ICT-enabled solutions to be as much as 15 percent of total global carbon emissions (or 7.8 billion tons of CO_2 equivalents per year). Broad adoption of cloud computing can stimulate innovation and accelerate the deployment of these enabled solutions. Consequently, cloud computing may have a major impact on global carbon emissions through indirect benefits in addition to the direct savings from replacement of on-premise infrastructure which are analyzed here.

Research Approach

Building upon previous analysis work with Microsoft,[6] Accenture and WSP Environment & Energy developed a quantitative model to calculate the energy use and carbon footprint of an organization's IT applications for both cloud and on-premise deployment. This approach aligns with the assessment methodology developed by the Global e-Sustainability Initiative (GeSI),[7] the industry consortium promoting sustainability on behalf of leading ICT companies.

The model quantifies energy use and carbon emissions on a per-user basis. To account for the fact that on-premise server counts do not follow a linear scale as user counts increase, the research analyzes the impact among three different sizes of user groups: small (100 users), medium (1,000 users) and large (10,000 users).

Specific input data utilized by the research team included the following (also see the Appendix for more detailed information):

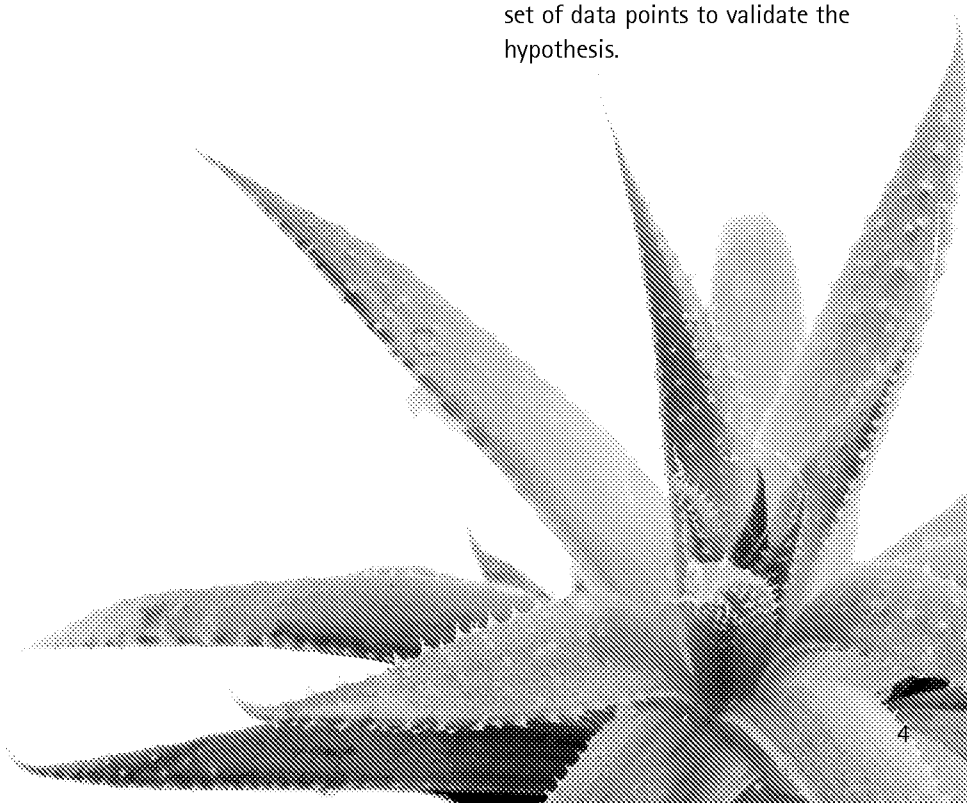
- **User Count:** Number of provisioned users for a given application.
- **Server Count:** Number of production servers to operate a given application.
- **Device Utilization:** Computational load that a device (server, network device or storage array) is handling relative to the specified peak load.
- **Power Consumption per Server:** Average power consumed by a server.
- **Power Consumption for Networking[8] and Storage:** Average power consumed for networking and storage equipment in addition to server power consumption.
- **Data Center Power Usage Effectiveness (PUE):** Data center efficiency metric which is defined as the ratio of the total data center power consumption divided by the power consumption of the IT equipment. Power usage effectiveness accounts for the power overhead from cooling, power conditioning, lighting and other components of the data center infrastructure.
- **Data Center Carbon Intensity:** Amount of carbon emitted to generate the energy consumed by a data center, depending on the mix of primary energy sources (coal, hydro, nuclear, wind, etc.) and transmission losses. The carbon emission factor is a measurement of the carbon intensity of these energy sources.

To assess the carbon footprint of cloud-based applications, the research team collected data from Microsoft's current data center operations. On-premise deployments were modeled based on Microsoft's product recommendations and input from subject-matter experts, and were validated with a case study using actual customer data.

The assessment looked at the environmental impact of three different Microsoft applications—all of them major products in Microsoft's portfolio of (server-based) business applications:[9]

- Microsoft Exchange (email, calendar and contacts)
- Microsoft SharePoint (collaboration and web publishing)
- Microsoft Dynamics CRM (customer relationship management)

These products are representative of three types of business applications that are used broadly by companies across industries. Assessing multiple applications with different usage characteristics provides a diverse set of data points to validate the hypothesis.



Summary Findings

The results of the analysis for Microsoft clearly show significant decreases in CO_2 emissions per user across the board for cloud-based versus on-premise delivery of the three applications studied (see Figure 1).

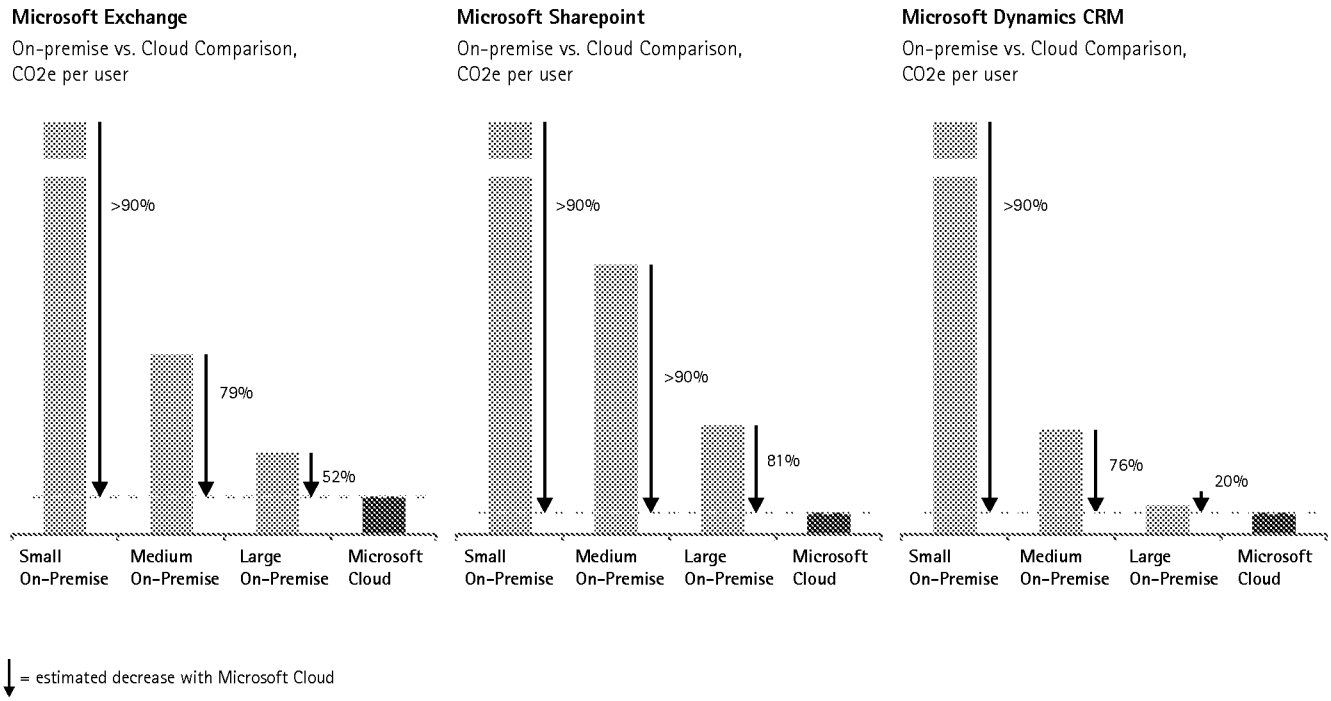
The analysis suggests that, on average across the different applications, typical carbon emission reductions by deployment size are:

- More than 90 percent for small deployments of about 100 users
- 60 to 90 percent for medium-sized deployments of about 1,000 users
- 30 to 60 percent for large deployments of about 10,000 users

As the data shows, the per-user energy use and carbon footprint is heavily dependent on the size of the deployment. The cloud advantage is particularly compelling for small deployments, because a dedicated infrastructure for small user counts—as in a small business running its own servers—typically operates at a very low utilization level and may be idle for a large part of the day. However, even large companies serving thousands of users can derive efficiencies from the cloud beyond those typically found in on-premise IT operations.

Note that, because Microsoft applications and data centers were the basis of the study, the specific carbon reductions from running other applications from other software providers on a cloud model may vary. However, the trends shown here are instructive and may be used as directional indicators for decision makers in corporate IT and sustainability leadership positions when considering a switch to cloud computing with any provider.

Figure 1: Comparison of Carbon Emissions of Cloud-Based vs. On-Premise Delivery of Three Microsoft Applications



How Does Cloud Computing Reduce the Environmental Impact of IT?

To understand the potential advantage of cloud computing in more detail, it is important to look at the distinct factors contributing to a lower per-user carbon footprint. These factors apply across cloud providers in general and are even relevant for many on-premise scenarios. This level of understanding can thus help IT executives target additional efficiency gains in an on-premise environment and realize additional performance advantages in the future.

Generally speaking, the comparatively smaller carbon footprint of cloud computing is a consequence of both improved infrastructure efficiency and a reduced need for IT infrastructure to support a given user base. In turn, these primary levers are heavily influenced by four key factors (see Figure 2):

- Dynamic Provisioning
- Multi-Tenancy
- Server Utilization
- Data Center Efficiency (expressed by power usage effectiveness)

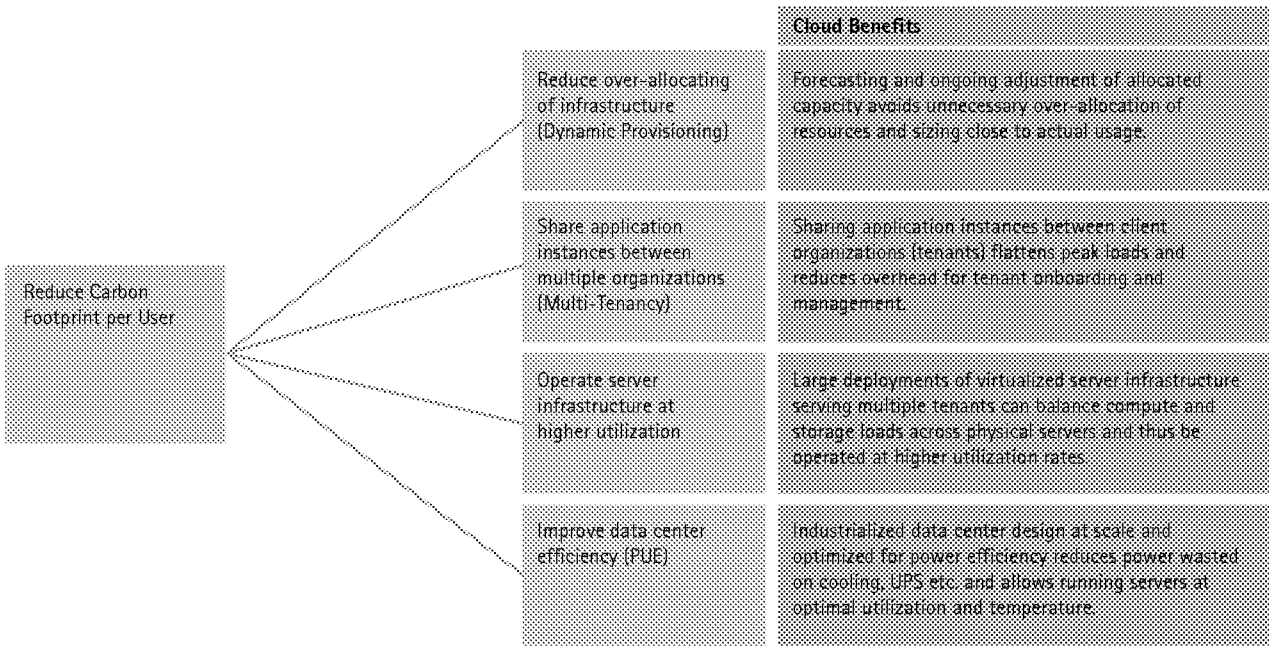
Dynamic Provisioning

IT managers typically deploy far more server, networking and storage infrastructure than is actually needed to meet application demand. This kind of over-provisioning typically results from:

- The desire to avoid ongoing capacity adjustments as demand fluctuates over time.
- Difficulty in understanding and predicting demand growth and peak loads.
- Budget policies that encourage using all available funds in a given year to avoid smaller allocations the following fiscal year.

Over-provisioning is certainly understandable. Application availability is a high priority in IT operations, because IT executives want to avoid situations in which

Figure 2: Key Drivers of Cloud Computing's Reduced Environmental Footprint



business demand for services exceeds what IT can provide. Thus infrastructure planning is typically conducted with a conservative, "just in case" mindset that results in capacity allocation that is not aligned with actual demand.

By contrast, cloud providers tend to manage capacity much more diligently, because over-provisioning at the cloud's operational scale can be very expensive. Providers typically have dedicated resources to monitor and predict demand and continually adjust capacity, and their teams have developed greater expertise in demand modeling and in the use of sophisticated tools to manage the number of running servers. Thus, cloud providers can reduce the inefficiency caused by over-provisioning by optimizing the number of active servers to support a given user base.

Multi-Tenancy

Just as multiple tenants in an apartment building use less power overall than the same number of people owning their own homes, so do the multiple tenants of a cloud-provided infrastructure reduce their overall energy use and associated carbon emissions. The cloud architecture allows providers to simultaneously serve multiple companies on the same server infrastructure. Disparate demand patterns from numerous companies flatten overall demand peaks and make fluctuations more predictable. The ratio between peak and average loads becomes smaller, and that in turn reduces the need for extra infrastructure. Major cloud providers are able to serve millions of users at thousands of companies simultaneously on one massive shared infrastructure. By operating multi-tenant environments, cloud providers can reduce overhead for on-boarding and managing individual organizations and users.

The Microsoft cloud offerings analyzed in this study are relatively new and are currently experiencing rapid growth. The more mature a given cloud service becomes, the less the demand will fluctuate, resulting in even greater energy savings in the future.

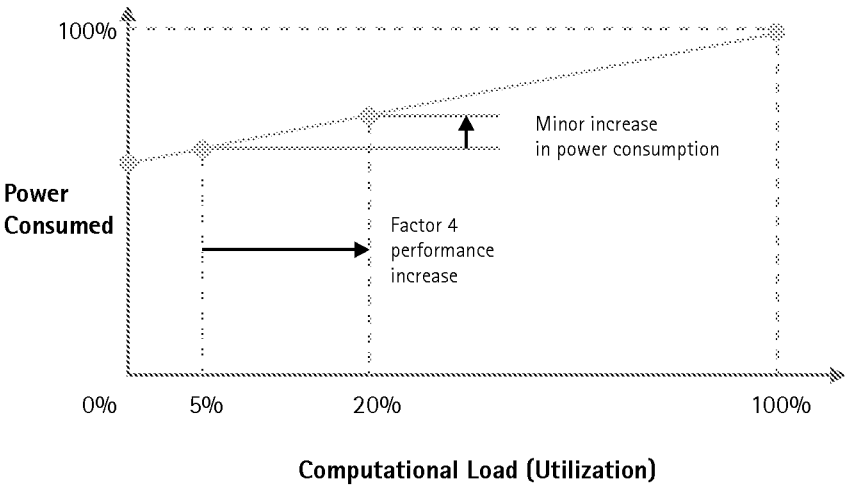
Server Utilization

Cloud computing can drive energy savings by improving server utilization (the measurement of the portion of a server's capacity that an application actively uses). As large-scale cloud providers tend to run their infrastructure at higher and more stable utilization levels than corresponding on-premise operations, the same tasks can be performed with far fewer servers. Whereas a typical on-premise application may run at 5 to 10 percent average utilization rate, the same application in the cloud may attain 40 to 70 percent utilization, thus dramatically increasing the number of users served per machine.[10]

It is important to note that while servers running at higher utilization rates consume more power, the resulting increase is more than offset by the relative performance gains. As illustrated in Figure 3, increasing the utilization rate from 5 to 20 percent will allow a server to process four times the previous load, while power consumed by the server may only increase by 10 or 20 percent.[11]

Virtualization offers a strategy to improve server utilization for both cloud and on-premise scenarios by allowing applications to run in

Figure 3: Relationship between Server Utilization and Power Consumption



an environment separated from the underlying physical servers. Multiple virtual machines can share a physical server running at high utilization, which reduces the number of physical servers required to meet the same demand. IT organizations can scale individual virtual resources to fit application needs instead of allocating an entire physical system whose full capability is not utilized. In this way, virtualization provides a tool for IT departments to narrow the efficiency gap between on-premise deployment and a multi-tenant cloud service.

Data Center Efficiency

Data center design—the way facilities are physically constructed, equipped with IT and supporting infrastructure, and managed—has a major impact on the energy use for a given amount of computing power. A common measure of how efficiently a data center uses its power is called power usage effectiveness ratio (PUE).

Power usage effectiveness is defined as the ratio of overall power drawn by the data center facility to the power delivered to IT hardware.[12] For example, a power usage effectiveness of 1.5 means that for every 1 kWh of energy consumed by IT hardware, the data center must draw 1.5 kWh of energy, with 0.5 kWh used for cooling of IT equipment, transforming and conditioning the grid power, lighting and other non-IT uses. Standardizing and measuring average power usage effectiveness across companies can be difficult. However, the US Environmental Protection Agency has released an update[13] to its initial 2007 Report to Congress,[14] stating an average power usage effectiveness of 1.91 for U.S. data centers, with most businesses averaging 1.97.

Through innovation and economies of scale, cloud providers can significantly improve power usage effectiveness. Today's state-of-the-art data center designs for large cloud service providers achieve power usage effectiveness levels as low as 1.1 to 1.2.[15] This efficiency gain could reduce power consumption over traditional enterprise data centers by 40 percent through data center design alone. Innovations such as modular container design, cooling that relies on outside air or water evaporation, or advanced power management through power supply optimization, are all approaches that have significantly improved power usage effectiveness in data centers.

As cloud computing gains broader adoption and the share of data processing performed by modern data center facilities increases, the industry's PUE averages should improve. In parallel, new data center designs continue to push the envelope on driving greater efficiencies. These two trends will drive greater efficiency in data centers.

Other Important Factors

In addition to the four primary drivers of cloud computing's environmental advantage, other contributing factors are worth mentioning:

- Hardware comes with an "embodied" carbon footprint from the energy associated with producing, distributing and disposing of equipment. For the scenarios analyzed, this energy outlay adds about 10 percent to the footprint from IT operations. The total hardware impact depends heavily on the type of equipment, refresh cycles and end-of-life practices utilized. By optimizing hardware selection, management and disposal, cloud providers can outperform on-premise IT in terms of environmental impact.
- Cloud providers are more likely to take an active role in tailoring hardware components to the specific needs of the services they run. By collaborating with suppliers on specification and design of servers and other equipment for maximum efficiency, they realize benefits that are too complex for most corporate IT departments to address.
- Application code and configuration provide additional opportunities for efficiency gains—with cloud providers more likely to take advantage of them. Developers can write applications with more efficient processing, memory utilization and data fetches, ultimately resulting in additional savings of physical consumption of central processing unit (CPU), storage, memory and network. The result is that less physical infrastructure is needed to deliver a given application workload.

Generally speaking, cloud computing drives the efficiency of IT with unprecedented economies of scale, higher sophistication and strong incentives to create ongoing efficiencies and continuous improvement. Cloud providers spend a significant share of their company's operational expense on IT—much more than an average corporation with its own IT department. This circumstance leads to an increased focus on cost and efficiency improvement, driving optimization of data center and application performance beyond what many businesses can achieve on their own. Leading cloud providers will simultaneously address energy consumption in a variety of ways, whether through application code optimization, data center temperature management, server decommissioning policies or other previously described approaches.

Apart from efficiency improvements, cloud providers as well as corporate IT departments can reduce carbon emissions by powering data centers from low-carbon electricity sources, such as hydropower or wind energy. This can be accomplished by selecting a site in a utility region with a lower carbon emission factor or by actively purchasing or generating renewable electricity.

The difference in location can have a significant impact. For example, data centers in the US Northwest (where hydroelectric generation is common) run on power with roughly half the carbon intensity of the electricity that powers data centers in the Midwest (where coal power is common).[16] For a large data center with 50,000 servers, the difference can be equivalent to the carbon emissions from thousands of cars.

Managing carbon intensity through data center location and power sourcing strategies, in addition to improving energy efficiency associated with running cloud applications, gives cloud providers a powerful lever to further minimize their carbon footprint.

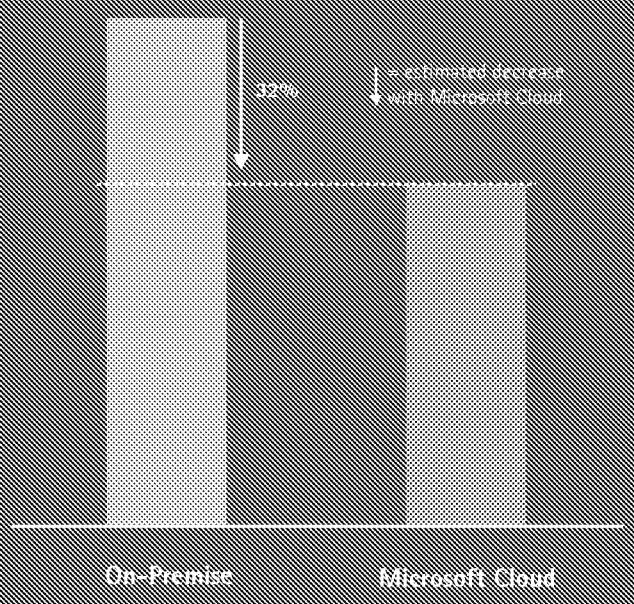
Case Study – Global Consumer Goods Company

To further validate the findings produced in this study about the reduced energy use and environmental impact of cloud computing, Accenture and WSP Environment & Energy worked with a global consumer goods company to estimate the potential for an improved carbon footprint after moving email and messaging services from its current data centers to Microsoft's cloud-based Exchange Online offering.

The analysis focused on the company's operations in North America and Europe. The current large on-premise deployment of roughly 60,000 users in North America and Europe already benefits from major economies of scale, with emissions per user far lower than any small or mid-size deployment. However, the analysis revealed that moving to a cloud solution would save energy and further reduce carbon emissions by 32 percent.

The results are in line with the predicted carbon savings for large deployments (30 to 60 percent reduction) and help confirm the findings of the primary research study. The cloud maintains a strong efficiency margin over on-premise solutions, even for efficiently operated, large-scale deployments similar to that of this global company.

Comparison of On-Premise and Cloud Deployment for a Global Consumer Goods Company



Conclusion & Outlook

Expanding the Cloud

What will be the environmental impact if cloud-based solutions are widely adopted by businesses to replace current on-premise deployments?

To illustrate the findings from this study in an example, it is possible to estimate the potential carbon savings assuming all US companies with 100 to 10,000 employees were using Microsoft Exchange and would switch from on-premise email servers to the corresponding cloud solution.[17] For this scenario, the reduction of carbon emissions would be equivalent to the emissions saved from permanently removing about 100,000 passenger cars from the road.[18]

This number represents the impact of just a single business application for a third of the total US workforce. When considered on a global scale and across an entire spectrum of business applications, the potential impact is very impressive.

These gains will be accelerated by both Platform-as-a-Service (PaaS) and Infrastructure-as-a-Service (IaaS) offerings, Microsoft's Windows Azure® services providing an example for both. As public clouds, such services allow any IT department or independent software vendor to develop cloud-based applications and run them on highly efficient infrastructures. The entire IT industry, including users and providers, will thus be able to reduce its environmental impact through cloud computing. Alternative architectures to large-scale public clouds—including private clouds, community clouds and hybrid architectures—can all be expected to yield efficiency gains of varying dimensions.

Although the carbon emissions of cloud providers will increase as they run a growing percentage of other companies' applications, overall net emissions will decrease when customers replace existing on-premise servers with cloud services. Thus, organizations that plan to reduce energy use and improve their carbon footprint can consider migrating to the cloud as an important means for improving industry-wide environmental sustainability.

Further Improvements

This study's finding that companies can reduce their carbon emissions by 30 to 90 percent by switching to a cloud infrastructure is certainly impressive. As impressive as these numbers are, the cloud's efficiency is likely to improve even more over time. Cloud computing is rapidly expanding; demand is increasing and providers are ramping up extra servers to meet predicted future capacity requirements. As more customers become cloud users, greater economies of scale will be reached and cloud providers will be able to more accurately predict capacity for computing demand.

As Microsoft and other providers build more data centers based on leading-edge designs, and retrofit older data centers, average PUE will continue to improve and per-user footprint of cloud business applications will shrink further over time.

Current technology and practices will also evolve as the data center and cloud market develops further. The following trends are likely:

- At the macro-economic level, cloud computing will help achieve economies of scale by centralizing computing power and improving access to variable capacity at a more affordable cost.
- At the corporate IT leadership level, moving to the cloud will allow a company to benefit from aggregate IT efficiency advantages in one stroke, instead of investing in gradual improvements of on-premise infrastructure over time.
- At the data center level, cloud computing's growth and drive toward consolidation and industrialization will pave the way for further scale and efficiency.
- At the application development level, software engineers will be challenged to code more efficient applications.

As the efficiency of cloud computing increases, more services will develop and while each service or transaction will continue to use less energy, there is a strong possibility that, in aggregate, computing will use more energy over time. The challenge is to ensure that the services provided in the cloud actually replace current activities of higher carbon intensity. As an analogy, a study on music distribution shifting to an online model demonstrated significant carbon savings—as long as consumers do not also burn the downloaded music onto CDs.[19]

Cloud computing has enormous potential to transform the world of IT—reducing costs, improving efficiency and business agility, and contributing to a more sustainable world. This study confirms that cloud computing can reduce energy use by 30 to 90 percent for major business applications today and that future energy savings are likely as cloud computing continues to evolve. Companies who adopt cloud computing will accrue the inherent business benefits of this technology, and will also play a crucial role in making IT more sustainable by significantly reducing energy consumption.

Appendix

Model Overview

- The study quantified Microsoft Exchange, Microsoft SharePoint and Microsoft Dynamics CRM application fulfillment activities for both cloud and on-premise scenarios by dividing the total energy consumption and resulting carbon footprint against the number of active users for a given application.
- The Microsoft Dynamics CRM results in Figure 1 are based on the planned cloud installation operating at target capacity.
- The model was independently developed based on ISO 14044 guidelines for Life Cycle Assessment, BSI PAS 2050 Specifications for the Assessment of Greenhouse gas (GHG) Emissions of Goods and Services, and the WRI/WBCSD GHG Protocol.
- The study and related analytical modeling builds upon the work previously completed by Accenture and WSP Environment & Energy to assess the carbon impacts of Digital Distribution for Microsoft Volume Licensing of Microsoft Office.
- The aggregated results in this report have been calculated based on a scope limited to North American and European regions. Customers operating in different regions will be subject to different carbon emission factors and specific data center utilization rates that could affect the findings of a similar study.
- Primary data was provided by Microsoft, Accenture and Avanade (using actual measurements or conservative estimates) for cloud and on-premise scenarios.
- Secondary data for materials was derived from the Ecoinvent database and other publicly available databases collated in SimaPro.
- Secondary server consumption data was derived from industry averages based on J. G. Koomey, "Estimating Total Power Consumption by Servers in the U.S. and the World" February 15, 2007; and GreenGrid.
- Time period considered: a one-year application licensing or subscription agreement.
- GHG emissions ("carbon emissions") included are stated as carbon dioxide equivalent (CO_2e) emissions and take into account the six primary GHG gases including CO_2 (carbon dioxide), SF_6 (sulphur hexafluoride), CH_4 (methane), N_2O (nitrous oxide), HFCs (hydrofluorocarbons), PFCs (perfluorocarbons).
- The study includes the use phase of the product by the customer. While use is assumed to be the same rate for cloud and on-premise, the efficiency and energy consumption associated with the two scenarios are different.

Materials

- Primary materials included in the study consisted of servers and related network equipment used to host an application. Embodied emissions from physical hardware were estimated based on the weight and composition of each component.
- Embodied emissions from physical infrastructure included servers, but not facilities and other equipment.
- Emissions related to the material manufacture, assembly and recovery of servers and networking equipment are based on a 3-4 year refresh rate for data center hardware. Life Cycle Inventory of a server derived from Masanet E. et al. "Optimization of Product Life Cycles to Reduce Greenhouse Gas Emissions in California," California Energy Commission, PIER Energy-Related Environmental Research. CEC-500-2005-110-F, August 1, 2005. And from Christopher R. Hannemann, Van P. Carey, Amip J. Shah, Chandrakant Patel, "Lifetime energy consumption of an enterprise server," ISEE, pp.1-5, 2008 IEEE International Symposium on Electronics and the Environment, 2008.

Process Energy for IT Infrastructure

- Power consumption of Microsoft's servers was based on direct power measurements of application-specific server racks from Microsoft data centers.
- Estimated power consumption of servers within the on-premise environment was based on industry standard figures provided by Hewlett Packard and verified by Accenture and Avanade using specific server configuration sizing calculations. A mixture of different vendors' on-premise systems was assessed, rather than any single server product.
- The model includes essential power for critical IT environment and utilizes a Microsoft data center-specific power usage effectiveness (PUE) ratio and an organization-type specific on-premise PUE ratio based upon EPA, Green Grid and J.G. Koomey research.
- A storage consumption and network usage efficiency ratio was also used, based upon Microsoft data and EPA, Green Grid and J. G. Koomey research, validated by Accenture and Avanade.
- For on-premise scenarios, a server redundancy factor of 2X was assumed. For cloud, the model relies on Microsoft's actual server counts which include redundancies to meet corresponding service levels.

Supply Chain Logistics & Distribution

- Emission factors for transportation were derived from the WRI/WBCSD GHG Protocol CO_2 emissions from Mobile Sources.
- Emissions were calculated based on frequency, modes, distance and weight from Microsoft at the hardware.
- Servers are assumed to be manufactured in Asia and transported by marine freight to North America or Europe.

End-of-Life (EoL) Processes

- End-of-life calculations include the emissions associated with recycling and land filling IT equipment amortized over the useful life of the equipment.
- The study used a conservative assumption of 20 percent recycling and recovery for servers and network equipment.

Model Exclusions

The model used in the research study excluded the following factors:

- Energy consumed during software development.
- Tertiary suppliers and process materials that are not significant (i.e., that do not constitute an input to 95 percent of the product or process).
- Offsetting of emissions from any other part of the supply chain.
- Embodied energy of capital equipment, transportation vehicles, buildings and their energy use not directly related to servers and associated equipment.
- Maintenance of capital equipment.
- Refrigerants (except where used in the primary production of raw inputs).

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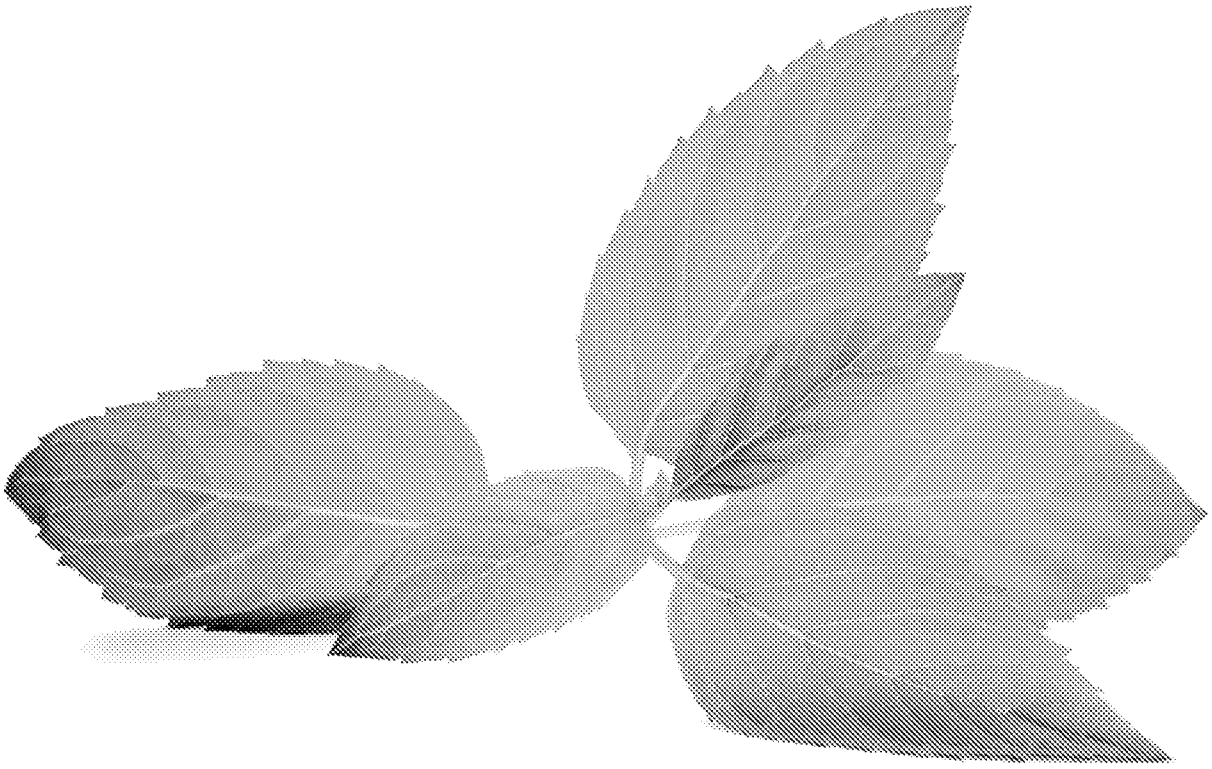

[1]"On-premise" refers to running an IT application on an organization's own servers, either in an office space or a corporate data center rather than on a shared cloud or hosting infrastructure provided by another company.

[2]Microsoft's cloud-based Exchange and SharePoint offerings (Exchange Online and SharePoint Online) are both a part of the Business Productivity Online Standard Suite (BPOS) and are sold either as a bundled business solution or individually, depending on customer preference. Specific on-premise versions analyzed were Microsoft Exchange 2007, Microsoft SharePoint 2007, and Microsoft Dynamics CRM 4.0.

[3]Accenture and UN Global Compact. A New Era of Sustainability. 2010.

[4]Global e-Sustainability Initiative (GeSI). SMART 2020: Enabling the Low Carbon Economy in the Information Age. 2008.

[5]Microsoft Global Foundation Services. A Holistic Approach to Energy Efficiency in Data Centers. 2010.

[6]Accenture and WSP. Demonstrating the Benefits of Electronic Software Distribution. 2009.

[7]Gloabal e-Sustainability Initiative (GeSI). An Assessment Methodology. 2010.

[8]Energy use to transmit data between users and servers was not modeled in detail. For the type of applications analyzed in this study, network equipment typically consumes around ten times less energy than servers and is thus not considered a very significant factor. The greater distances data travels in a cloud scenario may be more than offset by low utilization of corporate network equipment or employees accessing corporate servers remotely. However, when analyzing the environmental footprint of data-intensive (consumer) applications, such as music download or video streaming, data transfer contributes a significant share to the overall footprint and requires more in-depth analysis.

[9]Microsoft's cloud-based Exchange and SharePoint offerings (Exchange Online and SharePoint Online) are both a part of the Business Productivity Online Standard Suite (BPOS) and are sold either as a bundled business solution or individually, depending on customer preference. Specific on-premise versions analyzed were Microsoft Exchange 2007, Microsoft SharePoint 2007, and Microsoft Dynamics CRM 4.0.

[10]Silicon Valley Leadership Group. Data Center Energy Forecast. 2008.

[11]The Green Grid. Five Ways to Reduce Data Center Server Power Consumption. 2008.

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[13]US Environmental Protection Agency (EPA). ENERGY STAR Data Center Infrastructure Rating Development Update. 2009.

[14]US Environmental Protection Agency (EPA). Report to Congress on Server and Data Center Energy Efficiency. 2007.

[15]Microsoft. Microsoft's Top 10 Business Practices for Environmentally Sustainable Data Centers. 2009.

[16]eGrid. GHG Annual Output Emission Rates. 2008.

[17]Assuming that the number of email accounts is roughly the same as the number of employees and that companies either retire or re-allocate the on-premise server capacity that was dedicated to email, calendar and contacts. Using employee numbers from US Census data.

[18]According to the US EPA Greenhouse Gas Equivalencies Calculator.

[19]Weber, Koomey, Matthews. The Energy and Climate Change Impacts of Different Music Delivery Methods. 2009.

About Accenture

Accenture is a global management consulting, technology services and outsourcing company, with approximately 204,000 employees serving clients in more than 120 countries. Combining unparalleled experience, comprehensive capabilities across all industries and business functions, and extensive research on the world's most successful companies, Accenture collaborates with clients to help them become high-performance businesses and governments. The company generated net revenues of US$21.6 billion for the fiscal year ended Aug. 31, 2010. Its home page is www.accenture.com.

About WSP Environment & Energy

WSP Environment & Energy is one of the world's leading global consultancies, delivering solutions to environmental, energy and sustainability issues. With over 1,000 people across 65 offices globally, WSP Environment & Energy offers a full-service consulting practice to a range of commercial and industrial clients, many of whom are Fortune 500 and FTSE 250 companies. WSP helps its clients increase business performance through process improvement, risk mitigation, and design and implementation of sustainable business practices. WSP Environment & Energy is part of WSP Group plc. Its home page is www.wspenvironmental.com/usa.

About Microsoft

Founded in 1975, Microsoft is the worldwide leader in software, services and solutions that help people and businesses realize their full potential. With 89,000 employees across its business divisions and global subsidiaries, the company generated revenues of US$ 62.5 billion in fiscal year 2010. Its home page is www.microsoft.com.

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EXHIBIT B

SUSTAINABILITY AND THE CLOUD

THE GLOBAL ENVIRONMENTAL BENEFITS OF IT HOSTING AND CLOUD TECHNOLOGY

Through this year-long series of whitepapers and webinars, independent analyst Ben Kepes will be building a cloud computing curriculum designed for technologists and non-technical users alike. The mission is to build widespread knowledge about the cloud revolution and encourage discussion about the cloud's benefits for businesses of all sizes. Read more CloudU whitepapers and register for upcoming webinars at www.rackspace.com/cloud/cloudu.

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Executive Summary

Earth Day is an annual event designed to increase awareness of our impact on the earth. Earth Day, first held in 1970 was founded on the premise that

> *...all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment.* [1]

Climate change is one of the most significant problems facing the world and impacts directly on weather patterns and indirectly on almost all aspects of our lives.

Earth Day strives to encourage people to think about their impact on the earth and how it can be reduced. To mark Earth Day 2011, we are publishing this special CloudU report to detail how Cloud Computing can aid in reducing Green House Gasses (GHG).

We contend however that there needs to be an economic imperative to change behaviour and, in the case of Cloud Computing, there are both moral reasons for a shift, but also sensible economic reasons to move from the traditional model of computing to Cloud Computing.

We detail how Cloud Computing, when compared to traditional computing, has multiple positive impacts both economically and environmentally. These benefits are driven by the tendency of Cloud Computing to;

- Reduce total infrastructure allocation
- Increase efficiency by leveraging multi tenancy
- Maximize server utilization rates
- Improve data center efficiency

We will detail how Cloud Computing drives these benefits and why we believe it is the right delivery method to minimize the impact of IT on the planet.

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The Drive for Sustainability

Climate change is one of the biggest threats humankind will need to face in the next century. While debate rages about the finer details of climate change, projections suggest [2] that;

- Decreased Air Quality due to increased ground level ozone and particulate matter will impact human health
- Sea levels may rise as much as 59 cm (23 inches) during the 21st Century
- Melting ice may lead to changes in ocean circulation and speed up warming
- Changes in weather patterns lead to increased extreme weather events negatively impacting human populations and economies.
- Changes in habitats will lead to an increase in species extinction

In the face of such calamitous effects, we all need to look at ways of reducing our impact on the earth. The internet and computing are now an integral part of our daily lives. The ability to learn, communicate and shop online exchanges one set of resources (cars, fossil fuels) with another (computers, the Internet, servers) but creates another set of challanges to overcome. Cloud Computing is one of a range of innovations that can reduce our footprint, and in a meaningful way improve an organization's bottom line. The uptake of Cloud Computing is being driven by a number of factors including;

- The modern demand for computing to be increasingly mobile and less expensive
- Organizations' requirements to move from capital expenditure to operating expenditure
- The more volatile nature of commerce and business generally
- Cost reductions across the board

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At the same time we are seeing more awareness around the impacts of our consumption generally, and IT specifically. This comes at a time when there is upwards pressure on the cost of electricity driven by;

- Resource constraints
- Ever increasing demand leading to higher unit costs
- Concerns over the environmental impacts of electricity generation
- The need to invest in electricity infrastructure to continue to supply the increasing demand
- Legistlation to improve air quality and regulate utilities

Concurrently with all of this there is a move from individuals and organizations to take more of an interest in the environmental sustainability of their business – for both social and profit reasons.

The intersection of all of these factors has impacts on the way computing is delivered, and we contend it will further drive the move towards Cloud Computing as opposed to a traditional approach with on-site IT infrastructure.

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The Current Situation

In the face of increasing calls to reduce greenhouse gas (GHG) emissions in an effort to decrease climate change, it is important to reflect that the Information and Communications Technology (ICT) "industry, as of 2007 accounted for 2% of total global carbon emissions[3]. The recognition of how the ICT sector's potential to reduce CO2 emissions by 15% by 2020 is a tremendous milestone[4]. Reports suggest[5] that the environmental footprint from data centers is set to more than triple between 2002 and 2020. This result would see data centers become the fastest-growing contributor to the total carbon footprint of the technology sector.

As the ICT sector continues to grow towards a predicted 8.7% of global GDP by 2020[4], innovations within the sector will both increase efficiency and innovation, while reducing the relative impacts of the IT industry itself on global carbon emissions. The bulk of business computing will shift out of private data centers to the 'cloud'[6].Cloud Computing with its shared resource model, tends to be significantly better utilized, and more efficient, than traditional on-premise data centers. The following pages will demonstrate why.

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Doing Well By Doing Good: Business Benefits Tied to Environmental Benefits

In difficult economic times, organizations are reluctant to change behaviors for merely altruistic reasons, they require a real business benefit, be it cost-reduction or revenue increase, in order to change the way they work. For this reason, Cloud Computing with the economic benefits it drives is uniquely placed as both a driver of sustainability and a driver of business performance.

In a recent report [7], Gartner stated that the move to Green IT and sustainability generally is about business value. Gartner stated that;

> *Pursuing an integrated and information-enabled sustainability strategy protects your organization from current and future regulatory requirements, solidifies reputational value and provides access to substantial savings through radical, technology-enabled efficiency gains and a variety of capital.*

We believe that Cloud Computing, and in particular some of the benefits that virtualization can drive, meets Gartner's requirements in terms of sustainability and business value and we will now take a quick look at what Cloud Computing is and how it drives these benefits.

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Cloud Computing In Brief

For a detailed explanation of what Cloud Computing is, and how it creates a revolution within IT, refer to the CloudU report "Revolution Not Evolution - How Cloud Computing Differs from Traditional IT and Why it Matters" [8] For the purposes of this report, we will simply use the National Institute for Standards and Technology (NIST) definition of Cloud Computing to frame the discussion:

> *Cloud computing is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.*

The reason that this notion of Cloud Computing is relevant for discussions about sustainability is that it allows users to access computing as part of a shared marketplace. By aggregating demand in central locations, Cloud Computing vendors can build data centers that use the best technology, located in the most sustainable locations and designed to achieve the greatest per-unit efficiency possible.

The following section will look at the details of these implications in detail.

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The Positive Impacts of Consolidation

Consolidating disparate data centers into large scale shared premises logically reduces the net environmental impacts. But it is worthwhile to review the ways in which these benefits are realized in practice. In a recent report on the subject from Accenture, [5] broad categories were identified which drove these changes;

- Reducing total infrastructure allocation
- Leveraging multi tenancy
- Maximizing utilization rates
- Improving the data center efficiency

Let us look at these different areas in turn.

Reducing Total Infrastructure Allocation

Server, networking and storage usage is rarely stable. As a result, an organization's infrastructure deployment needs to be sufficiently large to allow for the maximum peak load that will be experienced and in many situations this can be many times the average load. This fact is compounded by the fact that capacity planning is very difficult and hence IT departments tend to allow themselves some "wiggle room" to ensure no service degradation or outages occur.

Unlike individual companies, however, Cloud providers are able to smooth the peaks of their various customers across their infrastructure. Since every organization has a different peak profile, that is their peaks occur at different times, it stands to reason that total infrastructure requirements will be less in an aggregate situation than when individually provisioned. This fact was highlighted by Joe Weinman in his 10 Laws of Cloudonomics [9]. Law three states that;

> *The peak of the sum is never greater than the sum of the peaks.*
>
> *Enterprises deploy capacity to handle their peak demands. Under this strategy, the total capacity deployed is the sum of these individual peaks. However, since clouds can reallocate resources across many enterprises with different peak periods, a cloud needs to deploy less capacity.*

Cloud providers therefore reduce the inefficiency created by individual data centers over provisioning by smoothing peaks across all users.

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In addition to reducing total infrastructure allocation, one of the key drivers of efficiency gains in the cloud lies with multi tenancy, the next subject we discuss.

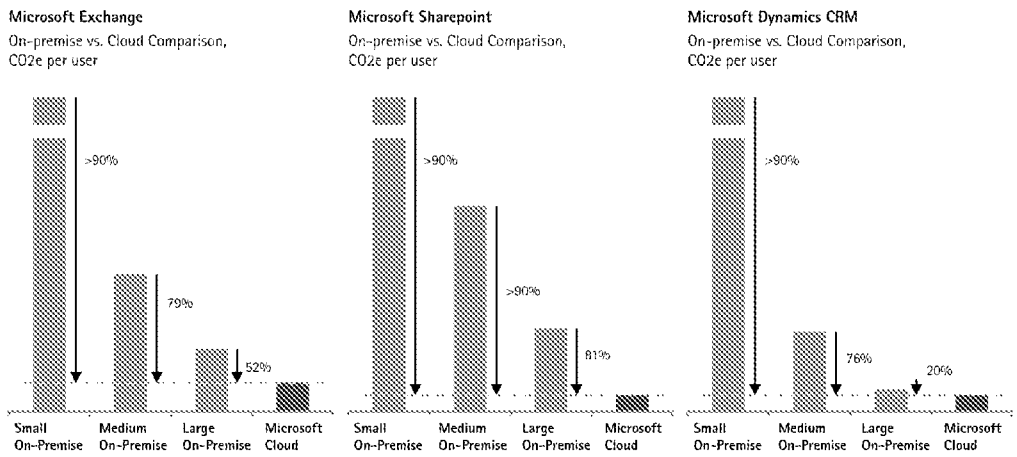
Leveraging Multi Tenancy

Multi tenancy is the approach towards infrastructure that sees multiple organizations use the same physical hardware. Virtualization enables this and is the technology that allows the;

> *...division of a single physical server into multiple "virtual" servers containing multiple sets of segregated data* [8]

Virtualization is absolutely fundamental to the efficiency gains from Cloud Computing. To illustrate this point, studies [10] have found that Cloud applications consume up to 90% less energy than on-premise ones.

A recent study commissioned by Microsoft to investigate the environmental impacts of Cloud applications [5], enumerated these benefits. While the study looked at application hosting specifically as opposed to infrastructure hosting, the benefits in terms of economic impacts that it found would apply to all areas of Cloud Computing. In the chart below the savings in terms of CO2 emissions gained from using three different Cloud applications are depicted for small, medium and large organizations. In some cases, the CO2 reductions were over 90% in a cloud environment.



Comparison of Carbon Emissions of Cloud-Based vs. On-Premise Delivery of Three Microsoft Applications [11]

Related to virtualization is the third aspect of reduced environmental impacts, the fact that cloud providers tend to have better server utilization than standalone infrastructure.

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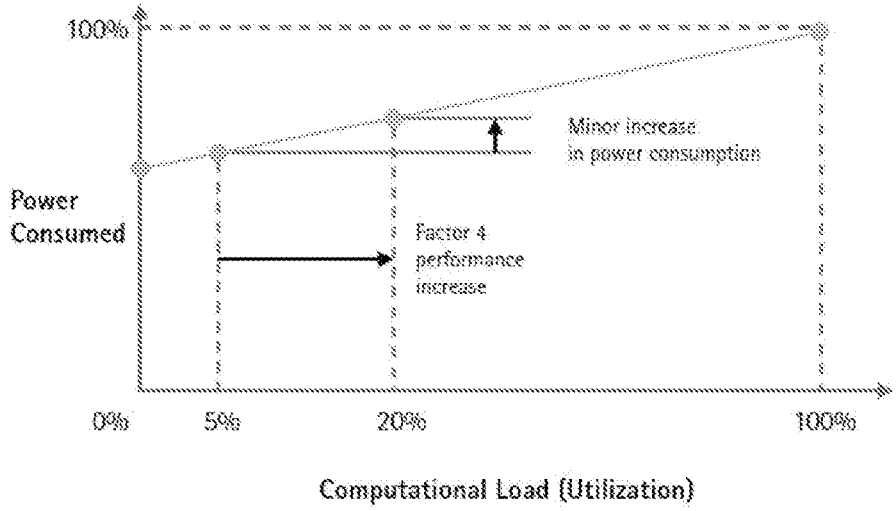
Server Utilization

Cloud Computing providers utilize the aggregated demand over all their customers to run their servers at higher utilization rates, the percentage of computing capacity that is actually utilized on a server, than those in individual organizations. Because of this higher utilization, it requires fewer servers to perform the same tasks in a cloud environment than it does in a traditional setting. The following diagram [12] illustrates this fact. It should be noted that increasing the utilization rate from 5% to 15% allows a server to process many times the previous load yet increases power consumption by a relatively small amount.



Relationship between Server Utilization and Power Consumption

By using a virtualized infrastructure, multiple instances of an application, or multiple servers, can run on the same piece of physical hardware. This machine can then be tuned to run at high utilization rates, thus reducing the total number of servers required to run a particular workload.

The last three factors for Cloud Computing sustainablity benefits related to the servers themselves; however Cloud Computing vendors also have an advantage when it comes to the overall design of the data center.

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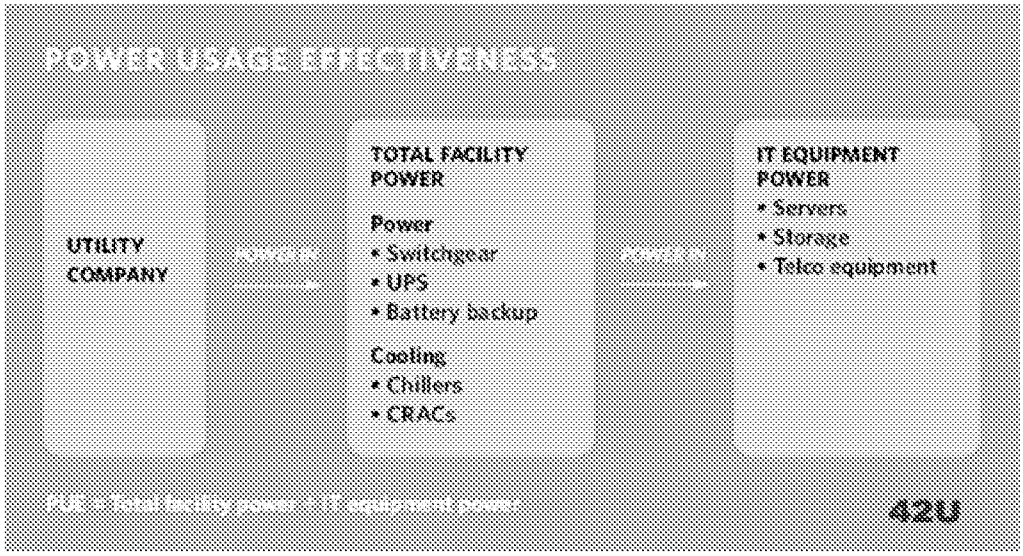
Data Center Design

Building and running data centers are two of the largest expenses that Cloud Computing providers incur. Making these data centers efficient is thus a top priority. PUE (Power Usage Effectiveness) is an efficiency benchmark comparing the power used to run a data center's infrastructure (Total Facility Power) to the power used to drive the IT equipment. [13] It is often used in discussions of sustainability and can be a useful metric but there are some caveats about PUE that should be considered.

PUE is a point in time measurement that reflects the current conditions in a data center. While it was not intended to use to compare one facility to another, PUE does help us understand what the power in a data center is being used for—essentially cooling or compute. To run a data center efficiently, more electricity dollars need to go toward compute and less to cooling and this is why PUE has received so much attention.

A PUE of 2.0 means that for every Kilowatt consumed, twice the amount of power is used to run the facility as is used to run the IT equipment. A PUE of 1 (an extreme example) would use identical amounts of electricity for both the facility infrastructure and the IT equipment.



Power Usage Effectiveness - PUE (Source: Green Grid)

Since data centers consume electricity as a main resource, Cloud Computing providers have an incentive to design them to be highly energy efficient. Some of the technology required to drive these efficiencies can be impractical to install in all but the largest

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facilities due to cost and complexity, giving Cloud Computing providers an advantage in maintaining cutting edge facilities. The US Environmental Protection Agency has reported [14] that average PUEs in 2009 for US data centers are around 1.97. Large scale Cloud Computing vendors aim for PUEs as low as 1.1 to 1.2 thereby significantly reducing per-unit impacts of IT processing and storage. To put that in context, a difference of 0.7 in efficiency for a 4 Megawatt load will drive an annual reduction in electricity of 28 Million Kilowatts, savings of $2.6 Million dollars and will avoid 16 tons of carbon.

While the case for more efficient data centers is compelling today, increases in the demand for electricity and the associated green house gasses generated to meet that demand will help drive the change that will align what people need with planet and profit.

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A Changing Electricity Paradigm

Given the constraints of the current energy framework, there has been a trend towards building data centers where electricity costs are lower, though not always cleaner, or in places where climates are colder, using outside air for 'free' cooling eliminates the need for electricity to cool the facility. This trend shows that even today with the relatively low cost of electricity, increasing efficiency makes economic sense and drives business decisions.

We believe that the awareness to reduce carbon emissions will drive innovation to develop plentiful renewable sources of electricity within our generation. This will avert a scenario of ever increasing regulation and carbon taxes driving a more expensive electricity marketplace. The proactive development of less expensive, renewable sources will change the world for generations to come.

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Summary

Economic predictions suggest that the price of energy will continue to rise. Simultaneously with this trend organizations will be looking to maximize efficiencies and minimize the environmental impacts of their activities.

With IT becoming an ever increasing driver of the economy, providers will look for ways to do more, with less. One of the ways to increase outputs with no increase in impacts is by moving computing away from individual data centers and into Cloud Computing.

Consolidated IT drive environmental benefits via;

- Reducing total infrastructure allocation
- Leveraging multi tenancy
- Maximizing server utilization rates
- Improving data center efficiency

As such we predict that the move to consolidated computing, especially Cloud Computing, will continue to increase in the years ahead.

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About Diversity Analysis

Diversity Analysis is a broad spectrum consultancy specializing in SaaS, Cloud Computing and business strategy. Our research focuses on the trends in these areas with greater emphasis on technology, business strategies, mergers and acquisitions. The extensive experience of our analysts in the field and our closer interactions with both vendors and users of these technologies puts us in a unique position to understand their perspectives perfectly and, also, to offer our analysis to match their needs. Our analysts take a deep dive into the latest technological developments in the above mentioned areas. This, in turn, helps our clients stay ahead of the competition by taking advantage of these newer technologies and, also, by understanding any pitfalls they have to avoid.

Our Offerings: We offer both analysis and consultancy in the areas related to SaaS and Cloud Computing. Our focus is on technology, business strategy, mergers and acquisitions. Our methodology is structured as follows:

- Research Alerts
- Research Briefings
- Whitepapers
- Case Studies

We also participate in various conferences and are available for vendor briefings through Telephone and/or Voice Over IP.

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Rackspace Hosting is the world's leading specialist in hosting and Cloud Computing. The San Antonio-based company provides Fanatical Support® to its customers, across a portfolio of IT services, including Managed Hosting and Cloud Computing. Rackspace is also the founder of OpenStack™, an open source Cloud platform with broad industry support, designed to offer Cloud consumers greater choice. For more information, visit www.rackspace.com.

About the author

Ben Kepes

Ben is the founder and managing director of Diversity Limited, a consultancy specializing in Cloud Computing/SaaS, Collaboration, Business strategy and user-centric design. More information on Ben and Diversity Limited can be found at http://diversity.net.nz

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1. http://www.earthday.org/about-us

2. http://www.ipcc.ch/

3. http://www.gartner.com/it/page.jsp?id=503867

4. http://www.gesi.org/

5. Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud, WSP, 2010

6. Nicholas Carr, *Big Switch: Rewiring the World, from Edison to Google.*

7. http://www.gartner.com/resources/208500/208540/sustainability_for_growth_a__208540.pdf

8. http://broadcast.rackspace.com/hosting_knowledge/whitepapers/Revolution_Not_Evolution-Whitepaper.pdf

9. http://gigaom.com/2008/09/07/the-10-laws-of-cloudonomics/

10. Cloud Computing Emissions Comparison, Nucleus Research, 2 Sept 2010

11. http://www.accenture.com/SiteCollectionDocuments/PDF/Accenture_Sustainability_Cloud_Computing_TheEnvironmentalBenefitsofMovingtotheCloud.pdf

12. http://www.thegreengrid.org/Global/Content/white-papers/Five-Ways-to-Save-Power; The Green Grid, Five Ways to Reduce Data Center Server Power Consumption, 2008

13. http://www.42u.com/measurement/pue-dcie.htm?source=what&#What-is-PUE

14. USEPA, Energy Star Data Center Rating, 2009

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Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 4740.1002-000	Application Number (if known):	Filing date:

First Named Inventor: Mrithyunjaya Annapragada

Title: Mechanism for Co-Located Data Placement in a Parallel Elastic Database Management System

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David J Thibodeau Jr Reg No 31671/	Date October 5, 2011
Name (Print/Typed) David J. Thibodeau, Jr.	Registration Number 31671

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/253,222	10/05/2011	MRITHYUNJAYA ANNAPRAGADA	4740.1002-000	2032

21005 7590 12/21/2011
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of :
ANNAPRAGADA, Mrithyunjaya :
Application No. 13/253,222 :
Filed: October 5, 2011 :
For: **MECHANISM FOR CO-LOCATED DATA PLACEMENT IN A PARALLEL ELASTIC DATABASE MANAGEMENT SYSTEM** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

The petition filed October 5, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4 above for the reasons explained in more detail below.

In the "Declaration of Special Status for Eligibility Requirement Under Green Technology Pilot Program," petitioner states that "Unlike prior techniques, it is not necessary to dedicate, in advance, a fixed number of hardware processors even when the database requires data dependent distribution of tables among the nodes. This enables implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet." This general statement merely describes known and common database management technology which fails to explain how the materiality standard is met. Furthermore, no nexus can be ascertained between the evidence provided with the petition, ("Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud," Exhibit A, and "Sustainability and the Cloud The Global Environmental Benefit of IT hosting and Cloud Technology," Exhibit B) and the claimed invention. To the contrary, the evidence seems to suggest that it is the technology disclosed in the exhibits, rather than the invention defined in the claims of the instant application, which "materially enhances the quality of the environment and provides for more efficient utilization and conservation of natural resources." Furthermore, no language can be found in the claims defining the "data management system" to "central locations" or a "data center." However, as stated previously, the benefits of a "cloud computing environment" seem to be disclosed by the exhibits. Accordingly, nothing in the claims relate to the utilization of renewable energy resources, reduce greenhouse gas emission or contribute to more efficient utilization and conservation of energy resources. Furthermore, any request for reconsideration will be reviewed pursuant to Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, which specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment."

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272 - 1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

DJT/nai
December 27, 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mrithyunjaya Annapragada		
Application No.:	13/253,222	Group:	2157
Filed:	October 5, 2011	Examiner:	Not yet assigned.
Confirmation No:	2032		
For:	Mechanism For Co-Located Data Placement In A Parallel Elastic Database Management System		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS CONCERNING "DECISION ON PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM"

The Applicant hereby makes the following comments on the "Decision on Petition to Make Special under the Green Technology Pilot Program Decision" mailed December 21, 2011 in the above referenced application. Applicant understands that the Petition has been dismissed and is not requesting review. However, the Applicant does wish to clarify the record.

In particular, the Decision seems to be based in part upon the following quoted portion of Applicant's statement:

> "Unlike prior techniques it is not necessary to dedicate, in advance, a fixed number of hardware processors. This [invention] enables the implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet."

The Decision then reaches a conclusion that the quoted passage "merely describes known and common database management technology". However, Applicant does not agree that prior technologies teach how to implement a relational database system with a set of virtual machines that can be utilized on demand *even when the database requires data dependent distribution of tables among the nodes.* This is a succinct statement of Applicant's novel contribution to the art, which enables cloud based database systems to now implement relational database applications.

Applicant also does not agree that the claims are defined by the quoted passage above. The invention Applicant seeks protection for is recited in the claims and nowhere else.

The Patent Office has performed no search of the prior art, has made no prior art reference of record, has not applied the prior art made of record by Applicant, and has not in fact, referenced any evidence at all that the Applicant's claims "merely describe known and common database management technology".

Again, Applicants are not hereby requesting reconsideration of the Decision but, merely requesting that the record be clarified as to the status of examination with respect to the prior art.

Applicant's are submitting herewith a request for handling this application in accordance with the Prioritized Examination procedure under 37 C.FR. 1.102(e) as implemented by the Patent Office as of September 26, 2011. Further handling of the application pursuant to that program is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By /David J Thibodeau Jr Reg No 31671/
David J. Thibodeau, Jr.
Registration No. 31,671
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: December 29, 2011

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/253,262	Filing date:	October 5, 2011
First Named Inventor:	Eigo Sano		
Title of the Invention:	Imaging Lens, Imaging Device and Portable Terminal		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCY/JP2009/064634

The international date of the corresponding PCT application(s) is/are: August 21, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/253,262
First Named Inventor:	Eigo Sano

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 5, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 5, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1 & 5	US Claim 1 is combination of PCT claims 1 & 5
2	2	
3	3	
4	4	
5	6	
6	7	
7	8	
8	9	
9	10	
10	11	
11	12	
12	13	
13	14	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date Oct. 25, 2011
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/253,262	10/05/2011	Eigo Sano	5341-223PCON2/311272	8924

27799 7590 11/15/2011
Cozen O'Connor
277 Park Avenue, 20th floor
NEW YORK, NY 10172

EXAMINER

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

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NEW YORK NY 10172

In re Application of	
SANO et al.	
Application No.: 13/253,262	**: DECISION ON REQUEST TO**
Filed: 05 October 2011	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 5341-223PCON2/311272	**: PROSECUTION HIGHWAY**
For: IMAGING PICKUP LENS,	**: PROGRAM AND PETITION**
IMAGING PICKUP APPARATUS AND	**: TO MAKE SPECIAL UNDER**
MOBLILE TERMINAL	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 25 October 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (7).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237).

Regarding the requirement of condition (7), applicant has failed to provide copies of the references cited by the JP examiner. The parent applicant has been reviewed but does not contain copies of the references either.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

Attorney Docket # 5341-223PCON2 - 311272.000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Eigo SANO et al. Serial No.: 13/253,262 Filed: October 5, 2011 For: Imaging Lens, Imaging Device and Portable Terminal	Examiner: Group Art:

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST TO
PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM

SIR:

This is in response to the November 15, 2011 Decision dismissing applicant's PCT-PPH request issued in connection with the above-identified patent application. In the "Discussion" section of the Decision, applicant was advised that of the eight (8) requirements needed for a successful PCT-PPH request, requirements (1), (3-6) and (8) have been met but that requirements (2) and (7) have not been met. Applicant responds as follows.

Regarding requirement (2), the Decision points out that applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237). In response, it is noted that the observation in Box VIII pertain to claims 1 and 8-14 of the corresponding PCT application. In particular, the observation does NOT pertain to claim

5 of the corresponding PCT application. Claim 5 of the PCT application recites the conditional expression: "1.60< n2 <2.10, where n2 is a refractive index of the second lens for d-line". Claim 1 of the subject application, namely, Application Serial No. 13/253,262, includes the limitations of PCT application claim 5. As a result, the observations in Box VIII of the Written Opinion do not concern claim 1 or any of the claims depending from claim 1. Accordingly, it is believed that requirement (2) has now been met.

Regarding requirement (7), it was pointed out in the Decision that copies of the references cited by the JP examiner were not provided. It was believed that copies of those references – which were cited during the PCT phase of the application – were accessible by the USPTO. Nevertheless, applicant has submitted herewith copies of the references cited in the International Search Report. In view of the foregoing, it is respectfully requested that the PPH request be granted.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 503111.

Respectfully submitted,
COZEN O'CONNOR

By /Edward M. Weisz/

Edward M. Weisz
Reg. No. 37,257
277 Park Avenue
New York, New York 10172
(212) 883-4900

Dated: December 14, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
JAN 30 2012
OFFICE OF PETITIONS

COZEN O'CONNOR
277 PARK AVENUE, 20TH FLOOR
NEW YORK NY 10172

In re Application of
SANO, et al
Application No.: 13/253,262
Filed: October 5, 2011
Attorney Docket No.: 5341-223PCON2/311272
For: IMAGING PICKUP LENS, IMAGING PICKUP APPARATUS AND MOBILE TERMINAL

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 25, 2011 and renewed on December 14, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci RAMESH KRISHNAMURTHY
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 4740.1003-000	Application Number (if known):	Filing date:

First Named Inventor: Kenneth Rugg

Title: Process Architecture for Elastic Stateful Shared Nothing System

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /David J Thibodeau Jr Reg No 31671/	Date October 5, 2011
Name (Print/Typed) David J. Thibodeau, Jr.	Registration Number 31671

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/253,311	10/05/2011	KENNETH RUGG	4740.1003-000	7162

21005 7590 12/21/2011
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of	:	
RUGG, Kenneth et al.	:	**DECISION ON PETITION**
Application No. 13/253,311	:	**TO MAKE SPECIAL UNDER**
Filed: October 5, 2011	:	**THE GREEN TECHNOLOGY**
For: **PROCESS ARCHITECTURE FOR**	:	**PILOT PROGRAM**
ELASTIC STATEFUL SHARED NOTHING		
SYSTEM		

The petition filed October 5, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4 above for the reasons explained in more detail below.

In the "Declaration of Special Status for Eligibility Requirement Under Green Technology Pilot Program," petitioner states that "Unlike prior techniques, it is not necessary to dedicate, in advance, a fixed number of hardware processors even when the database requires data dependent distribution of tables among the nodes. This enables implementation of a relational database system with a set of virtual machines that can be shared by many remote users over a network such as the Internet." This general statement merely describes known and common database management technology which fails to explain how the materiality standard is met. Furthermore, no nexus can be ascertained between the evidence provided with the petition, ("Cloud Computing and Sustainability: The Environmental Benefits of Moving to the Cloud," Exhibit A, and "Sustainability and the Cloud The Global Environmental Benefit of IT hosting and Cloud Technology," Exhibit B) and the claimed invention. To the contrary, the evidence seems to suggest that it is the technology disclosed in the exhibits, rather than the invention defined in the claims of the instant application, which "materially enhances the quality of the environment and provides for more efficient utilization and conservation of natural resources." Furthermore, no language can be found in the claims defining the "data management system" to "central locations" or a "data center." However, as stated previously, the benefits of a "cloud computing environment" seem to be disclosed by the exhibits. Accordingly, nothing in the claims relate to the utilization of renewable energy resources, reduce greenhouse gas emission or contribute to more efficient utilization and conservation of energy resources. Furthermore, any request for reconsideration will be reviewed pursuant to Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, which specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment."

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272 - 1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Yuko HIRANO et al.	: PARTICIPATE IN THE PATENT
Application No.: 13/253,424	: PROSECUTION HIGHWAY
Filed: October 05, 2011	: PROGRAM AND PETITION
Attorney Docket No.: 28141Z	: TO MAKE SPECIAL UNDER
For: ENDOSCOPIC DEVICE	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 03, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED
NOV 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Brown et al.	:	
Application No. 13/253539	:	DECISION
Filing or 371(c) Date: 11/04/2011	:	ON PETITION
Attorney Docket Number:	:	
2008-0290-01-CON1	:	

This is a decision on the "Petition for Filing Date," filed November 4, 2011, requesting the application be accorded as the filing date, the date that drawing Figures 1-4 and 6-12, described in the specification and filed with the petition, are filed.

The petition is **granted**.

Background

Application papers in the above-identified application were deposited on October 5, 2011. The Office of Patent Application Processing mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant, inter alia, that the application had been accorded a filing; however, Figures 1-4 and 6-12 described in the specification appeared to have been omitted from the application.

The Notice of Omitted Items

The mailing of a "Notice of Omitted Item(s)" will permit the applicant to:

I. Petition for date of deposit
II. Petition for later filing dae
III. Acceptance of application as deposited

Applicant files the present petition and requests III above, and includes a supplemental oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64. Accordingly, the petition is granted.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 4, 2011, the date the omitted Figures were filed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13253681	Confirmation Number	1908	Filing Date	2011-10-05
Attorney Docket Number (optional)	027146-429991	Art Unit		Examiner	
First Named Inventor	Larry Nouvel				
Title of Invention	Spot-On Pesticide Composition				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Larry	Mearns	Nouvel	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Andrea M. Porterfield/	Date (YYYY-MM-DD)	2011-10-07
Name	Andrea M. Porterfield	Registration Number	55311

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Privacy Act Statement

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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In re Application of Larry Nouvel	: :
Application No. 13253681 Filed:	:DECISION ON PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(c)(1) :
Attorney Docket No. 027146-429991	

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13253690	Confirmation Number	7783	Filing Date	2011-10-05
Attorney Docket Number (optional)	027146-429992	Art Unit		Examiner	
First Named Inventor	Larry Nouvel				
Title of Invention	Spot-On Pesticide Composition				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Larry	Mearns	Nouvel	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Andrea M. Porterfield/	Date (YYYY-MM-DD)	2011-10-07
Name	Andrea M. Porterfield	Registration Number	55311

PTO/SB/130 (07-09)
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Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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In re Application of
Larry Nouvel

Application No. 13253690

Filed:

Attorney Docket No. 027146-429992

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Larry Nouvel	: :
Application No. 13253699 Filed:	:DECISION ON PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(c)(1) :
Attorney Docket No. 027146-429999	

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13253699	Confirmation Number	4177	Filing Date	2011-10-05
Attorney Docket Number (optional)	027146-429999	Art Unit		Examiner	
First Named Inventor	Larry Nouvel				
Title of Invention	Spot-On Pesticide Composition				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
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Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Larry	Mearns	Nouvel	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

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Signature	/Andrea M. Porterfield/	Date (YYYY-MM-DD)	2011-10-07
Name	Andrea M. Porterfield	Registration Number	55311

PTO/SB/130 (07-09)
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Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13253710	Confirmation Number	5637	Filing Date	2011-10-05
Attorney Docket Number (optional)	027146-430002	Art Unit		Examiner	
First Named Inventor	Larry Nouvel				
Title of Invention	Spot-On Pesticide Composition				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Larry	Mearns	Nouvel	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

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Signature	/Andrea M. Porterfield/	Date (YYYY-MM-DD)	2011-10-07
Name	Andrea M. Porterfield	Registration Number	55311

PTO/SB/130 (07-09)
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In re Application of
Larry Nouvel

Application No. 13253710

Filed:

Attorney Docket No. 027146-430002

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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Mann+Hummel GMBH
Department VR-P
Hindenburgstr. 45
Ludwigsburg 71638 DE GERMANY

In re Application of	: DECISION ON REQUEST TO
Martin WEINDORF et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 13/253,736	: AND PETITION TO MAKE SPECIAL
Filed: October 5, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 3665/US	:

For: FUEL SUPPLY SYSTEM OF AN INTERNAL COMBUSTION ENGINE AND METHOD FOR SEPARATING WATER FROM FUEL

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 6, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA (German Patent and Trade Mark Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the DPMA or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the DPMA or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the DPMA application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the DPMA application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1), and (3) through (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (2).

Regarding the requirement of condition (2), application has failed to submit a copy of the allowable/patentable claims from the DPMA application. Whereas a translation of the claims from the DPMA application has been provided, a copy of the DPMA application claims has not been provided.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED**. If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
JAN 31 2012
OFFICE OF PETITIONS

Mann+Hummel GMBH
Department VR-P
Hindenburgstr. 45
Ludwigsburg 71638 DE GERMANY

In re Application of
Martin WEINDORF et al.
Application No. 13/253,736
Filed: October 5, 2011
Atty. Docket No.: 3665/US
For: FUEL SUPPLY SYSTEM OF AN INTERNAL COMBUSTION ENGINE AND METHOD FOR SEPARATING WATER FROM FUEL

: DECISION ON REQUEST TO
: PARTICIPATE IN PPH PROGRAM
: AND PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)
:

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 9, 2012 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA (German Patent and Trade Mark Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the DPMA or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the DPMA or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the DPMA application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the DPMA application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 1778 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINDRAY DS USA, INC. C/O STOEL RIVES LLP
201 S. MAIN STREET, SUITE 1100
SALT LAKE CITY UT 84111

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of
John Judy et al.
Application No. 13/253,834
Deposited: October 5, 2011
Attorney Docket No. 32924/35

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed October 5, 2011 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was deposited on October 5, 2011 with a Declaration signed by all joint inventors except Sondra Kaufman and the instant petition, though prior to a filing date being accorded and prior to a mailing of any pre-examination Notices. The petition under 37 CFR 1.47 argues that joint inventor Kaufman refuses to execute the declaration

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent via email to Sondra Kaufman. The evidence submitted also establishes that the email was in fact received by the non-signing inventor and that she has expressly refused to execute the oath or declaration. Neither has Ms. Kaufman returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/253,848	10/05/2011	Ramana Malladi	SP10545USC3	4330

17567 7590 03/30/2012
Michael Best & Friedrich LLP (Abbott/Androgel)
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
Chicago, IL 60601

EXAMINER
MCMILLIAN, KARA RENITA

ART UNIT	PAPER NUMBER
1627	

NOTIFICATION DATE	DELIVERY MODE
03/30/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chiipdocket@michaelbest.com

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Alexandria, VA 22313-1450
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Michael Best & Friedrich LLP (Abbott/Androgel)
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
Chicago IL 60601

MAR 3 0 2012

In re Application of:
Malladi et al.
Serial No.: 13/253,848
Filed: October 5, 2011
Attorney Docket No.: **SP10545USC3**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 23, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 23, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/253,867	10/05/2011	Ramana Malladi	030418-9008-05SP10545USC4	1200

17567 7590 03/30/2012
Michael Best & Friedrich LLP (Abbott/Androgel)
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
Chicago, IL 60601

EXAMINER
MCMILLIAN, KARA RENITA

ART UNIT	PAPER NUMBER
1627	

NOTIFICATION DATE	DELIVERY MODE
03/30/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chiipdocket@michaelbest.com

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Michael Best & Friedrich LLP (Abbott/Androgel)
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
Chicago IL 60601

In re Application of:
Malladi et al.
Serial No.: 13/253,867
Filed: October 5, 2011
Attorney Docket No.: **030418-9008-05SP10545USC4**

MAR 30 2012

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed March 23, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 23, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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MAIL

OCT 27 2011
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DANIEL B. SCHEIN, PH.D., ESQ., INC.
P. O. BOX 68128
Virginia Beach VA 23471

In re Application of:
BEN AYED, MOURAD
Serial No.: 13/254,000
Filed: October 6, 2011

Title: **SYSTEMS FOR THREE FACTOR AUTHENTICATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

The petition requesting to make the application special filed August 24, 2011 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Jerold I. Schneider
515 N. Flagler Drive
6th Floor
West Palm Beach FL 33401

MAILED
JAN 3 1 2012
PCT LEGAL ADMINISTRATION

In re Application of
Walraevens
Application No.: 13/254,056 & 13/254,060
PCT No.: PCT/EP2010/052626
Int. Filing Date: 02 March 2010
Priority Date: 02 March 2009
Attorney Docket No.: 38887-0023
For: Barbecue Chocolate Dip Set

DECISION

This is in response to the correspondence filed on 31 August 2011.

BACKGROUND

International application PCT/EP2010/052626 was filed on 02 March 2010, claimed an earlier priority date of 02 March 2009, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 10 September 2010. The period for payment of the basic national fee in the United States expired as of midnight on 02 September 2011. Applicants filed *inter alia* a basic national fee directed toward said international application in 13/254,060 on 31 August 2011. Applicants also filed correspondence on the same date, which was assigned to application no. 13/254,056.

DISCUSSION

Review of the record reveals that applicants have filed two sets of correspondence, 13/254,056 and 13/254,060, directed toward the national stage under 35 U.S.C. 371 of the same international application, PCT/EP2010/052626. Any particular international application under the PCT culminates in a single national stage entry in the United States under 35 U.S.C. 371; multiple national stage entries of a single PCT application are not permitted. As such, since these purported national stage entries were both intended as the national stage of the same international application, it would be appropriate to merge the applications. Since a Notice of Acceptance (Form PCT/DO/EO/903) already has been mailed in 13/254,060, and since fees have not been charged and applied to 13/254,056, the papers filed in 13/254,056 are being placed into the '060 application file. All future correspondence should be directed toward 13/254,060.

DECISION

The application papers are **ACCEPTED**, as described above.

Application number 13/254,056 has not been activated, but has been merged with 13/254,060. All further correspondence with respect to this matter should be directed to 13/254,060.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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MAILED

OCT 04 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
CHOO et al.	:	
Application No.: 13/254,119	:	DECISION
PCT No.: PCT/KR2010/000495	:	
Int. Filing Date: 27 January 2010	:	
Priority Date: 28 January 2009	:	
Attorney Docket No.: Q126391	:	
For: METHOD FOR ENCODING AND DECODING	:	
AN AUDIO SIGNAL AND APPARATUS FOR SAME	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 31 August 2011.

The Filing Receipt and the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903), both mailed 20 September 2011, were mailed prematurely, i.e., before the decision on applicants' petition to revive the application under 37 CFR 1.137(b) had been made. Applicants' petition has been granted. Also, the application has met the requirements of 35 U.S.C. 371, and the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and the 35 U.S.C. 371 dates accorded in Form PCT/DO/EO/903 are correct. Accordingly, both Form PCT/DO/EO/903 and the Filing Receipt are hereby affirmed.

BACKGROUND

On 27 January 2010, applicant filed international application PCT/KR2010/000495 which designated the U.S. and claimed a priority date of 28 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 July 2011.

On 31 August 2011, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States, the U.S. Basic National Fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 31 August 2011.

As to item (2), the petition fee was paid on 31 August 2011.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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OCT 3 1 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
CHOO, Ki Hyun
Application No.: 13/254,120
PCT No.: PCT/KR2010/000631
Int. Filing Date: 02 February 2010
Priority Date: 03 February 2009
Att. Docket No.: Q126392
For: AUDIO SIGNAL ENCODING AND DECODING METHOD, AND APPARATUS FOR SAME

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 31 August 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fees for filing the search fee, examination fee or oath or declaration after thirty months and for filing the translation of the application after thirty months will be charged to deposit account no. 19-4880, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Alan Fetterplace

Application No. 13254186

Filed:

Attorney Docket No. 1815-001

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 01-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13254186	Confirmation Number	7242	Filing Date	2011-09-11
Attorney Docket Number (optional)	1815-001	Art Unit		Examiner	
First Named Inventor	Alan Fetterplace				
Title of Invention	An Engine				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Alan		Fetterplace	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Andrew D. Dorisio/	Date (YYYY-MM-DD)	2011-09-01
Name	Andrew D. Dorisio	Registration Number	41713

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application: :
Angoli et al. :
Application No. 13/254,272 : ON PETITION
Filed: September 1, 2011 :
Attorney Docket No. 1732-017 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 9, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/254,350	Filing date:	September 1, 2011
First Named Inventor:	Lynn A. Turner		
Title of the Invention:	HEAT PUMP AND METHOD OF OPERATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/26010

The international filing date of the corresponding PCT application(s) is/are: March 3, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/254,350
First Named Inventor:	Lynn A. Turner

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 20	1 - 20	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /D. S. Christensen Reg. No. 40955/	Date December 9, 2011
Name (Print/Typed) Dave S. Christensen	Registration Number 40955

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 22 2012
OFFICE OF PETITIONS

CANTOR COLBURN LLP – CARRIER
20 CHURCH STREET, 22ND FLOOR
HARTFORD CT 06103

In re Application of
TURNER et al.
Application No.: 13/254,350
Filed: September 1, 2011
Attorney Docket No.: PA-0010385-US-AA
For: HEAT PUMP AND METHOD OF OPERATION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 9, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to list all the documents cited by the PCT examiner in the international work and provide all copies of the references. In this regard, reference JP 3967033 was cited by the JP examiner, however was not included in the IDS listing.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/254,350	Filing date:	September 1, 2011
First Named Inventor:	Lynn A. Turner		
Title of the Invention:	HEAT PUMP AND METHOD OF OPERATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/26010

The international filing date of the corresponding PCT application(s) is/are: March 3, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/254,350
First Named Inventor:	Lynn A. Turner

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 20	1 - 20	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /D. S. Christensen Reg. No. 40955/	Date December 9, 2011
Name (Print/Typed) Dave S. Christensen	Registration Number 40955

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MAR 26 2012

OFFICE OF PETITIONS

CANTOR COLBURN LLP – CARRIER
20 CHURCH STREET, 22ND FLOOR
HARTFORD CT 06103

In re Application of
TURNER, et al
Application No.: 13/254,350
Filed: September 1, 2011
Attorney Docket No.: PA-0010385-US-AA
For: HEAT PUMP AND METHOD OF OPERATION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 9, 2011, and renewed February 24, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, Australia, Austria, KIPO, NPI, Russia, Finland, Spain, Sweden, China or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being referred to Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/254,351	Filing date:	9/1/2011
First Named Inventor:	Gregory Maggi		
Title of the Invention:	Stable Backpack		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/055088

The international filing date of the corresponding PCT application(s) is/are: 2 November 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/254,351
First Named Inventor:	Gregory Maggi

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 9/2/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 9/2/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same
2	2	same
3	3	same
4	4	same
5	5	same
6	6	same
7	7	same
8	8	same
9	9	same
10	10	same
11	11	same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Mark Nowotarski/	Date 11/23/11
Name (Print/Typed) Mark Nowotarski	Registration Number 47828

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
JAN 05 2012
OFFICE OF PETITIONS

MARK S. NOWOTARSKI
30 GLEN TERRACE
STAMFORD, CT 06906

In re Application of	**: DECISION ON REQUEST TO**
Gregory MAGGI	**: PARTICIPATE IN THE PATENT**
Application No.: 13/254,351	**: PROSECUTION HIGHWAY**
Filed: September 1, 2011	**: PROGRAM AND PETITION**
Attorney Docket No. PH080803USNP	**: TO MAKE SPECIAL UNDER**
For: Stable Backpack	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20CA (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO) AND THE USPTO

Application No.:	Not Yet Assigned	Filing Date:	Concurrently Herewith
First Named Inventor:	John R. ANTCHAK		
Attorney Docket No.:	15417-000029/US/NP		
Title of the Invention:	DECOUPLER FEATURING HELICAL WRAP CLUTCH SPRING AND COIL DAMPER SPRINGS		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding CIPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The CIPO/PCT application number(s) is/are: PCT/CA2010/000296

The filing date of the CIPO/ PCT application(s) is/are: March 1, 2010

I. List of Required Documents:

a. **A copy of all CIPO office actions which are relevant to patentability in the above-identified CIPO application(s).**

[x] Is attached.

b. **A copy of all claims which were determined to be patentable by the CIPO in the above-identified CIPO application(s).**

[x] Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

d. **(1) An information disclosure statement listing the documents cited in the CIPO office actions**

[x] Is attached.

[ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[x] Are attached.

[ ] Have already been filed in the above-identified U.S. application on _____

PTO/SB/20CA (05-10)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO) AND THE USPTO
(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	John R. ANTCHAK

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in CIPO Application	Explanation regarding the correspondence
1 – 21	1 – 21	US Claims 1–21 and CA/PCT patentable Claims 1–21 are essentially identical except for the elimination of multiple dependent claims for the US and minor changes to place the claims in more traditional U.S. format.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the CIPO application.

Signature		Date	9/1/2011
Name (Print/Typed)	Michael D. Zalobsky	Registration Number	45,512

16254010.1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/254,372	09/01/2011	John R. Antchak	15417-000029/US/NP	8436

27572 7590 10/18/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
10/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OCT 18 2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re application of Antchak et al Application No. 13/254,372 Filed: September 1, 2011 For: DECOUPLER FEATURING HELICAL WRAP CLUTCH SPRING AND COIL DAMPER SPRINGS.	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 1, 2011, to make the above-identified application special.

The PCT-PPH request is based on a positive written opinion in a PCT application where Canada was the ISA/IPEA.

The request and petition are **DENIED.**

Since we do NOT have a PCT-PPH agreement with Canada at the present time.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/18/11

PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/254,456	Filing date:	September 1, 2011
First Named Inventor:	Jun Miyokawa		
Title of the Invention:	Semiconductor Laser Module & Manufacturing Method		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054011

The international date of the corresponding PCT application(s) is/are: March 10, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/254,456
First Named Inventor:	Jun Miyokawa

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	English translation of the same
Claim 2	Claim 2	English translation of the same
Claim 3	Claim 3	English translation of the same
Claim 4	Claim 4	English translation of the same
Claim 5	Claim 5	English translation of the same
Claim 6	Claim 6	English translation of the same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

YES - Claims 1-6 in US Application correspond to Patentable Claims 1-6 in corresponding PCT Application

Signature Hung H. Bui	Date 11/15/2011
Name (Print/Typed) Hung H. Bui, Esq.	Registration Number 40,415

PATENT COOPERATION TREATY

PCT/JP2010/054011

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II

(PCT Rules 44*bis*.3(c) and 72.2)

To:

INOUE, Seiichi
Shinjuku-Akebonobashi Building 5F,1-12, Sumiyoshicho,
Shinjuku-ku Tokyo
1620065
JAPON

Date of mailing *(day/month/year)* 27 October 2011 (27.10.2011)	
Applicant's or agent's file reference MP090144WO	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2010/054011	International filing date *(day/month/year)* 10 March 2010 (10.03.2010)
Applicant FURUKAWA ELECTRIC CO.,LTD. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yukari Nakamura e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference MP090144WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2010/054011	International filing date *(day/month/year)* 10 March 2010 (10.03.2010)	Priority date *(day/month/year)* 25 March 2009 (25.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant FURUKAWA ELECTRIC CO.,LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 18 October 2011 (18.10.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yukari Nakamura e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	06.04.2010
Applicant's or agent's file reference MP090144WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054011	10.03.2010	25.03.2009

International Patent Classification (IPC) or both national classification and IPC
G02B6/42, H01S5/022

Applicant
FURUKAWA ELECTRIC CO.,LTD.

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI — Certain documents cited
- [ ] Box No. VII — Certain defects in the international application
- [ ] Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054011

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054011

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 6-222249 A (Thomson Hybrides), 12 August 1994, paragraphs [0009]-[0019], fig. 1-3

Document 2: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 104559/1990 (Laid-open No. 61304/1992) (Oki Electric Industry Co., Ltd.), 26 May 1992, page 5, line 20 to page 6, line 3; fig. 1

Claim 1

The invention as in claim 1 of the present application involves an inventive step in relation to document 1 cited in the ISR.

Document 1 describes an optoelectronic device in which an optical fiber (2) and a laser (1) are optically connected to each other, provided with a metal base (5), the laser (1), a clamp (10), a metallic capillary sleeve (6) and the optical fiber (2).

The metal base (5) of document 1 corresponds to the "base" described in claim 1 of the present application.

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The laser (1) of document 1 corresponds to the "light emitting element fixed to the base" described in claim 1 of the present application.

The clamp (10) of document 1 is fixed to the metal base (5) and sandwiches the metallic capillary sleeve (6), and the metallic capillary sleeve (6) fixes the optical fiber (2) in the hole thereof with a plug of a glass compound (9).

As is clear from fig. 1 of document 1, a slot (11) is formed in the part of the metal base (5) corresponding to the lower part of the part where the plug of the glass compound (9) is provided in the metallic capillary sleeve (6), and the slot (11) corresponds to the "cut-out" described in claim 1 of the present application.

The meaning of the optoelectronic device of document 1 does not differ from the "semiconductor laser module" described in claim 1 of the present application.

Following the statement in claim 1 of the present application on the basis of the above indications, document 1 describes the following invention (hereinafter referred to as the "cited invention"):

"A semiconductor laser module in which an optical fiber and a light emitting element are optically connected to each other, provided with:

a base;

a light emitting element fixed to the base;

a clamp (10) fixed to the base;

a metallic capillary sleeve (6) sandwiched by the clamp (10); and

an optical fiber fixed in the hole of the metallic capillary sleeve (6) and optically connected to the light emitting element, wherein

the optical fiber is fixed to the metallic capillary sleeve (6) by the plug of a glass compound (9), and

a cut-out is formed in the part of the base corresponding to the lower part of the part where the plug of the glass compound (9) is provided in the metallic capillary sleeve (6)".

Therefore, the cited invention differs from the invention as in claim 1 of the present application (hereinafter referred to as the "present invention") in which the optical fiber is fixed on a fixing member by a fixing material in that an optical fiber is fixed in the hole of the metallic capillary sleeve (6), which is sandwiched by the clamp (10), by the plug of the glass compound (9) in the cited invention; however, the cited invention agrees with the present invention in that forming a cut-out is formed on a base.

The technical significance of forming the cut-out on the base in the cited invention was then considered.

The significance in the cited invention is in, as described in document 1 (paragraphs [0014]-[0016]), sliding an assembly comprising the optical fiber (2), the metallic capillary sleeve (6) and the clamp (10) with respect to the cut-out (slot (11)), and aligning the optical fiber (2); from that point of view, the cut-out in the cited invention can be said to be under the premises of the assembly and is a technical element integrated with, and inseparable from, the assembly.

In addition, the objective of the cited invention is, as described in document 1 (paragraphs [0003]-[0006]), to remove shortcomings in an alignment method for positioning the optical fiber within a drop of either molten soft solder or an

adhesive that can be polymerized by a flash of light and solidifying the drop, and this alignment method is similar to what the present invention employs; therefore, in additional consideration of the above, even if the configuration in which an optical fiber is fixed on a fixing member by a fixing material, which is a technical feature of the present invention pertaining to the abovementioned difference, is well known as described in document 2, for example, the cited invention has no incentive to apply the well-known configuration as an alternative to the assembly.

Therefore, to arrive at the present invention from the cited invention is not considered easy for a person skilled in the art.

Claims 2-5

The invention as in claims 2-5 of the present application involves an inventive step in relation to document 1 cited in the ISR.

The invention as in claims 2-5 of the present application includes all the technical features of the invention as in claim 1 of the present application and is further delimited; therefore, a person skilled in the art could not easily conceive of the invention as in claims 2-5 of the present application as is the case with the invention as in claim 1 of the present application.

Claim 6

The invention as in claim 6 of the present application involves an inventive step in relation to document 1 cited in the ISR.

The invention as in claim 6 of the present application corresponds to the method for manufacturing a semiconductor

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

laser module, which is the invention as in claim 1 of the present application; therefore, a person skilled in the art could not easily conceive of the invention as in claim 6 of the present application as is the case with the invention as in claim 1 of the present application.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference MP090144WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2010/054011	International filing date *(day/month/year)* 10 March 2010 (10.03.2010)	Priority date *(day/month/year)* 25 March 2009 (25.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant FURUKAWA ELECTRIC CO.,LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 27 September 2011 (27.09.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yukari Nakamura e-mail: pt07.pct@wipo.int

特許協力条約

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ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	０６．０４．２０１０
出願人又は代理人 の書類記号　MP090144WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５４０１１	（日.月.年）　１０．０３．２０１０	（日.月.年）　２５．０３．２００９

国際特許分類（ＩＰＣ）Int.Cl. G02B6/42(2006.01)i, H01S5/022(2006.01)i

出願人（氏名又は名称）
古河電気工業株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２４．０３．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 吉田　英一 電話番号　０３－３５８１－１１０１　内線　３２９４	２Ｘ　９１２４

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４０１１

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４０１１

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	1-6	有
	請求項		無
進歩性（ＩＳ）	請求項	1-6	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-6	有
	請求項		無

２．　文献及び説明

文献１：JP 6-222249 A（トムソン　ハイブリッド）1994.08.12，段落【０００９】－【００１９】，【図１】－【図３】
文献２：日本国実用新案登録出願2-104559号（日本国実用新案登録出願公開4-61304号）の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム（沖電気工業株式会社）1992.05.26，５頁２０行－６頁３行，第１図

請求項１について
この出願の請求項１に係る発明は、国際調査報告で引用された文献１に対して進歩性を有する。

文献１に記載された光電子装置は、光ファイバ２とレーザ１とが光学的に結合されるものであって、金属ベース５と、レーザ１と、クランプ１０と、金属毛細スリーブ６と、光ファイバ２とを具備するものである。
文献１の上記金属ベース５は、この出願の請求項１に記載の「ベース」に相当する。
文献１の上記レーザ１は、この出願の請求項１に記載の「前記ベースに対して固定される発光素子」に相当する。
文献１の上記クランプ１０は、上記金属ベース５に対して固定され、上記金属毛細スリーブ６を挟持するものであり、また、上記金属毛細スリーブ６は、その孔内に、上記光ファイバ２をガラス・コンパウンド９のプラグにより固定するものである。
文献１の【図１】から明らかなように、上記金属毛細スリーブ６における上記ガラス・コンパウンド９のプラグが設けられる部位の下部に対応する部位の上記金属ベース５には、スロット１１が形成されており、このスロット１１が、この出願の請求項１に記載の「切り欠き部」に相当する。
文献１の上記光電子装置は、その用語が意味するところが、この出願の請求項１に記載の「半導体レーザモジュール」と相違しない。

補充欄

いずれかの欄の大きさが足りない場合

第 V. 2 欄の続き

以上のことを踏まえ、この出願の請求項１の記載事項に倣うと、文献１には、次の発明（以下、「引用発明」という。）が記載されている。

「光ファイバと発光素子とが光学的に結合される半導体レーザモジュールであって、
ベースと、
前記ベースに対して固定される発光素子と、
前記ベースに対して固定されるクランプ１０と、
前記クランプ１０に挟持される金属毛細スリーブ６と、
前記金属毛細スリーブ６の孔内に固定され、前記発光素子と光学的に結合する光ファイバと、
を具備し、
前記光ファイバは、ガラス・コンパウンド９のプラグによって前記金属毛細スリーブ６に固定されており、
前記金属毛細スリーブ６における前記ガラス・コンパウンド９のプラグが設けられる部位の下部に対応する部位の前記ベースには切り欠き部が形成されている半導体レーザモジュール。」

そうすると、引用発明は、光ファイバがクランプ１０により挟持された金属毛細スリーブ６の孔内にガラス・コンパウンド９のプラグによって固定される点で、光ファイバが固定部材上に固定材によって固定される、この出願の請求項１に係る発明（以下、「本願発明」という。）と相違するものの、ベースに切り欠き部を形成することにおいては、本願発明と一致する。

そこで、引用発明において、ベースに切り欠き部を形成することの技術上の意義を検討する。

引用発明における上記意義は、文献１の段落【００１４】－【００１６】に記載されているように、光ファイバ２と金属毛細スリーブ６とクランプ１０とからなる組立体を、切り欠き部（スロット１１）に対して摺動させて、光ファイバ２をアライメントすることにあり、そのことからみると、引用発明における切り欠き部は、上記組立体を前提としたものであり、これと一体不可分の技術的要素であるといる。

また、引用発明は、文献１の段落【０００３】－【０００６】に記載されているように、その課題が、光ファイバを溶融軟半田又はフラッシュ光により重合され得る接着剤の滴下内に位置させ、それを凝固させるアライメント方法の欠点を除去することであるところ、このアライメント方法は、本願発明が採用するものと同様であるから、このことも、あわせて考慮すると、上記相違に係る本願発明の技術的事項である、光ファイバを固定部材上に固定材によって固定する構成が、例えば、文献２に記載されているように、周知であるとしても、この周知の構成を、上記組立体に代えて適用する動機が、引用発明にはない。

よって、引用発明から本願発明に至ることは、当業者にとって容易であるとはいえない。

補充欄

いずれかの欄の大きさが足りない場合

第 Ⅴ. 2 欄の続き

請求項２－５

この出願の請求項２－５に係る発明は、国際調査報告で引用された文献１に対して進歩性を有する。

この出願の請求項２－５に係る発明は、この出願の請求項１に係る発明の技術的事項をすべて含み、さらに限定がなされたものであるから、この出願の請求項１に係る発明と同様に、当業者が容易に想到しうるものではない。

請求項６について

この出願の請求項６に係る発明は、国際調査報告で引用された文献１に対して進歩性を有する。

この出願の請求項６に係る発明は、この出願の請求項１に係る発明である半導体レーザモジュールを製造する方法に相当するものであるから、この出願の請求項１に係る発明と同様に、当業者が容易に想到しうるものではない。

VERIFICATION OF TRANSLATION

I, Terukazu Yamauchi
(insert translator's name)

of Shinjuku-Akebonobashi Building 5F, 1-12, Sumiyoshicho,Shinjuku-ku

Tokyo,162-0065 Japan
(translator's address)

declare as follows:

1. That I am well acquainted with both the English and Japanese languages, and

2. That the attached document is a true and correct translation made by me to the best of my knowledge and belief of:-

(a)The claims of the specification of **No. 13 / 254, 456**

(International Application No. PCT/JP2010/05411)

Nov. 15. 2011
(Date)

Terukazu Yamauchi
(Signature of Translator)

CLAIMS

1. A semiconductor laser module in which an optical fiber and a light-emitting element are optically combined, comprising:

a base;

a light-emitting element fixed onto said base;

an anchor member fixed onto said base; and

an optical fiber fixed onto said anchor member and optically combined with said light-emitting element,

wherein said optical fiber is fixed onto said anchor member by means of an anchoring material, and a cut-out is formed in the part of said base situated below the portion of said anchor member whereon said anchoring material is provided.

2. The semiconductor laser module according to claim 1, wherein:

said cut-out is a through-hole provided in said base;

said anchor member is provided so as to straddle said through-hole nearly in the same direction as the axial direction of said optical fiber, and

the width of said through-hole transverse to the axial direction of said optical fiber is larger than the width of said anchor member transverse to the axial direction of said optical fiber.

3. The semiconductor laser module according to claim 1, wherein a recess is formed at a region of the bottom surface of said anchor member corresponding to the portion whereon said anchoring material is arranged.

4. The semiconductor laser module according to claim 1, wherein said anchor member is UV light-permeable and said anchoring material is a UV light curing resin.

5. The semiconductor laser module according to claim 1, wherein depressions are formed in the said anchor member installation positions on said base, and thereby the positioning of said anchor member on said base is possible.

6. A manufacturing method of a semiconductor laser module in which an optical fiber and a light-emitting element are coupled optically, comprising:

adopting a base whereon a light-emitting element and an anchor member are fixed;

installing an optical fiber on said anchor member so as to be optically coupled with said light-emitting element;

providing an anchoring material to said optical fiber; and

treating said anchoring material with heat or with UV light irradiation from below said anchor member by utilizing a cut-out provided in the part of said base corresponding to the portion whereon said anchoring material is arranged, so that said optical fiber is fixed onto said anchor member by means of said anchoring material.

請求の範囲

[請求項1]　光ファイバと発光素子とが光学的に結合される半導体レーザモジュールであって、

ベースと、

前記ベースに対して固定される発光素子と、

前記ベースに対して固定される固定部材と、

前記固定部材上に固定され、前記発光素子と光学的に結合する光ファイバと、

を具備し、

前記光ファイバは、固定材によって前記固定部材に固定されており、

前記固定部材における前記固定材が設けられる部位の下部に対応する部位の前記ベースには切り欠き部が形成されていることを特徴とする半導体レーザモジュール。

[請求項2]　前記切り欠き部は、前記ベースに設けられた貫通孔であり、

前記固定部材は、前記貫通孔に対して、前記光ファイバの軸方向と略同一の方向にまたがるように設けられ、

前記光ファイバの軸方向に対する前記貫通孔の幅は、前記光ファイバの軸方向に対する前記固定部材の幅よりも大きいことを特徴とする請求項１記載の半導体レーザモジュール。

[請求項3]　前記固定材が配置される部位に対応する部位の前記固定部材の下面には、凹部が形成されることを特徴とする請求項１記載の半導体レーザモジュール。

[請求項4]　前記固定部材は紫外線を透過可能であり、前記固定材は、紫外線硬化樹脂であることを特徴とする請求項１記載の半導体レーザモジュール。

[請求項5]　前記ベースの前記固定部材の設置部には、溝が形成されており、前記ベースに対する前記固定部材の位置決めが可能であることを特徴と

する請求項１記載の半導体レーザモジュール。

［請求項6］　光ファイバと発光素子とが光学的に結合される半導体レーザモジュールの製造方法であって、

発光素子および固定部材が固定されたベースを用い、前記固定部材上に、前記発光素子と光学的に結合するように光ファイバを設置し、

前記光ファイバに対して固定材を設け、

前記固定材が配置される部位に対応する前記ベースに設けられた切り欠き部を利用し、前記固定部材の下方より前記固定材に熱または紫外線を照射して、前記固定材により前記光ファイバを前記固定部材に固定することを特徴とする半導体レーザモジュールの製造方法。

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gokalp Bayramoglu
200 W Sahara Ave Unit 1601
Las Vegas NV 89102

MAILED
DEC 13 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
WANG, et al.	:	
Application No.: 13/254,457	:	DECISION
PCT No.: PCT/CN2009/072589 (as corrected)	:	
Int. Filing Date: 01 July 2009	:	
Priority Date: 03 March 2009	:	
Attorney's Docket No.: TPK-P07028-PCTUS	:	
For: INTEGRATED TOUCH CONTROL DEVICE	:	

This decision is issued in response to applicant's petition pursuant to 37 C.F.R. § 1.182 filed 05 December 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 July 2009, applicant filed international application PCT/CN2009/072589 which claimed priority to a previous application filed 03 March 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 03 September 2011.

On 01 September 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a PTO-1390 transmittal letter; declaration and English translation of the international application as filed. The international application number keyed into EFS-Web was PCT/CN2009/0**27589**. However, the filed transmittal letter and declaration identified the international application number as PCT/CN2009/0**72589**.

On 05 December 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/CN2009/0**72589**. An examination of the papers filed 01 September 2011 finds that this international application number was listed on the filed transmittal letter and declaration. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 01 September 2011 and to permit such materials to be treated as having been directed to international application PCT/CN2009/0**72589**.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/CN2009/0**72589**.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/254,484	09/02/2011	Ivan Engmark Mortensen	31673U	9337

20529 7590 11/10/2011
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
1742	

MAIL DATE	DELIVERY MODE
11/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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11/10/11

WG

In re application of Ivan Mortensen Serial No. 13/254,484 Filed: September 2, 2011 For: METHOD AND MANUFACTURING LINE FOR MANUFACTURING WIND TURBINE BLADES	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed September 2, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because applicant has not submitted a copy of the allowable/patentable claims from the EPO application and has not submitted a copy of all the office actions from the EPO

application containing the allowable/patentable claims. Note that the submitted claims from the PCT application are not the claims from the EPO application and that the submitted International Preliminary Report on Patentability is not a copy of the office action from the EPO application.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED
APR 10 2012
PCT LEGAL ADMINISTRATION

In re Application of NAGANO et al.
Application No.: 13/254,523
PCT No.: PCT/JP10/54069
Int. Filing Date: 04 March 2010
Priority Date: 04 March 2009
Attorney Docket No.: P40701
For: FLUORESCENT MRI PROBE

DECISION on PETITION UNDER 37 CFR 1.181

This is in response to applicant's "Petition Under 37 CFR 1.181 For Entry of Corrected English Translation of International Application" filed in the United States Patent and Trademark Office (USPTO) on 07 February 2012.

BACKGROUND

Prior to the expiration of the thirty month period, on 02 September 2011, applicant filed a request for entry into the U.S. National Stage, including, *inter alia*, the basic national fee and English translation of the international application.

On 22 September 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 22 November 2011, applicant filed a response to the Notification of Missing Requirements. On 07 December 2011, a Notice of Acceptance was mailed to applicant.

On 07 February 2012, applicant filed the instant petition requesting that a corrected English translation of the international application be accepted.

DISCUSSION

Applicant's request to accept the corrected translation of the international application is accepted and noted in the record. The $130 processing fee for filing the English translation of the international application after the thirty month period will be accessed and charged to applicant's deposit account per his authorization.

As required by 35 U.S.C. 371(c)(2), an English translation of the international application was submitted on 07 February 2012. The date of completion of all 35 U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. The date of completion of all requirements of 35 U.S.C. 371 is 07 February 2012, the date upon which the English translation of the international application was submitted.

The Notification of Acceptance (Form PCT/DO/EO/903) issued on 07 December 2011 is now incorrect and is hereby VACATED.

The date applicant fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 07 February 2012. A new Notice of Acceptance will be issued in accord with this decision.

CONCLUSION

Applicant's "Petition under 37 CFR 1.181of Acceptance For Entry of Corrected English Translation of International Application" is **GRANTED**. Per his authorization, the $130 processing fee for filing the English translation of the international application after the thirty month period will be charged to applicant's deposit account.

The Notification of Acceptance (Form PCT/DO/EO/903) issued on 07 December 2011 is hereby **VACATED**.

This application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a new Notice of Acceptance indicating a 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date os 07 February 2012.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

PTO/SB/20KR (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	13/254,553	Filing Date:	September 2, 2011
First Named Inventor:	Heidi NELSON		
Attorney Docket No.:	96315.4		
Title of the Invention:	SURGICAL STAPLER DELIVERY SYSTEMS AND METHODS OF ASSEMBLING THE STAPLERS		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding KIPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The KIPO/PCT application number(s) is/are: PCT/US2010/026220

The filing date of the KIPO/ PCT application(s) is/are: 03/04/10

I. List of Required Documents:

a. **A copy of all KIPO office actions which are relevant to patentability (excluding "Decision to Grant a Patent"*) in the above identified KIPO application(s)**

☑ Is attached.

☐ Is not attached because the KIPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the KIPO in the above-identified KIPO application(s)**

☑ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

d. **(1) An information disclosure statement listing the documents cited in the KIPO office actions**

☑ Is attached.

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

(continued)

Application No.:	13/254,553
First Named Inventor:	Heidi NELSON

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
		See attached claim correspondence table.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the KIPO application.

Signature /Joseph R. Keating #37,368/	Date 09/02/11
Name (Print/Typed) Joseph R. Keating	Registration Number 37,368

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Claim Correspondence Table

Claims in US Application	Patentable Claims in KIPO Application	Explanation regarding the correspondence
26	1	Both claims are substantially the same.
27	2	Both claims are substantially the same.
28	3	Both claims are substantially the same.
29	4	Both claims are substantially the same.
30	5	Both claims are substantially the same.
31	6	Both claims are substantially the same.
32	7	Both claims are substantially the same.
33	8	Both claims are substantially the same.
34	9	Both claims are substantially the same.
35	10	Both claims are substantially the same.
36	11	Both claims are substantially the same.
37	12	Both claims are substantially the same.
38	13	Both claims are substantially the same.
39	14	Both claims are substantially the same.
40	15	Both claims are substantially the same.
41	16	Both claims are substantially the same.
42	17	Both claims are substantially the same.
43	18	Both claims are substantially the same.
44	1	Claims sufficiently correspond.
45	19	Both claims are substantially the same.
46	20	Both claims are substantially the same.
47	21	Both claims are substantially the same.
48	22	Both claims are substantially the same.
49	23	Both claims are substantially the same.
50	24	Both claims are substantially the same.
51	25/1	Both claims are substantially the same.

PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No.:	13/254,585	First Named Inventor:	PER VULT VON STEYERN
Filing Date:	September 2, 2011	Attorney Docket No.:	FORK0103PUSA
Title of the Invention:	ZIRCONIUM DIOXIDE BASED PROSTHESES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/SE2010/050249

The international filing date of the corresponding PCT application(s) is/are: March 4, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- [x] is attached.
- [ ] is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

- [ ] is attached.
- [x] is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [ ] is attached.
- [x] has already been filed in the above-identified U.S. application on 09/12/2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

- [ ] are attached.
- [x] have already been filed in the above-identified U.S. application on 09/12/2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO

(continued)

Application No.:	13/254,585	First Named Inventor:	PER VULT VON STEYERN

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Amended to remove multiple dependencies
5	5	Amended to remove multiple dependencies
6	6	Amended to remove multiple dependencies
7	7	Amended to remove multiple dependencies
8	8	Amended to remove multiple dependencies
9	9	Amended to remove multiple dependencies
10	10	Amended to remove multiple dependencies
11	11	Amended to remove multiple dependencies
12	12	Amended to remove multiple dependencies
13	13	Amended to remove multiple dependencies
14	14	Amended to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /John E. Nemazi/	Date 4/3/2012
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/254,632	Filing date:	September 02, 2011
First Named Inventor:	Máté HIDVÉGI		
Title of the Invention:	Pharmaceutical Composition Containing a Fermented, Dehydrated Material wtih Amorphous Crystalline Structure		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/HU2010/000025

The international filing date of the corresponding PCT application(s) is/are: March 3, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/254,632
First Named Inventor:	Máté HIDVÉGI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 2, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 2, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	2	See Annex
21	3	See Annex
22	4	Corrected claim dependency numbering; substituted "0.1-5%" for "0,1-5%"
23	5	See Annex
24	6	Removed multiple dependency; corrected claim dependency numbering
25	7	Corrected claim dependency numbering
26	8	Corrected claim dependency numbering; substituted "and optionally" for "with other commonly used"
27	9	Corrected claim dependency numbering; substituted "or liposome" for "liposome"
32	14	See Annex
33	15	See Annex
34	16	See Annex
35	17	corrected claim dependency numbering
36	5	Claim 36 is limited to Saccharomyces cerevisiae, which is found claim 5 of PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date OCT 13 2011
Name (Print/Typed) GARTH M. DAHLEN USPTO #43,575	Registration Number

ANNEX

Claims in US Application	Patentable Claims in the Corresponding PCT Application	Explanation regarding the correspondence
20	2	Substituted "forming and lyophilizing" for "forming an amorphous crystal structure and lyophilizing said structure" for clarity and to remove section VIII observations
21	3	**1.** Corrected claim dependency numbering; **2.** Substituted "characterized in that its particle size distribution" for "wherein the particle size distribution of the product"
23	5	**1.** Corrected claim dependency numbering; **2.** substituted "wherein the" for "characterized in that"; **3.** substituted "microorganism a microorganism belonging to the Saccharomyces genus" for "microorganism is selected from the group consisting of"; **4.** substituted "and Saccharomyces boulardii" for "Saccharomyces boulardii";

		5. deleted "preferably Saccharomyces cerevisiae is used"
32	14	**1.** Removed multiple dependencies. **2.** Corrected claim dependency numbering. **3.** Substituted "characterized in that" with "which comprises administering" **4.** This claim was found to be novel and inventive by the EPO, but lacked industrial applicability since the use of a compound in medical treatment is not recognized in Europe, but this subject matter is permitted in the U.S.

33	15	**1.** Removed multiple dependencies. **2.** Corrected claim dependency numbering. **3.** Substituted "characterized in that" with "which comprises administering." **4.** This claim was found to be novel and inventive by the EPO, but lacked industrial applicability since the use of a compound in medical treatment is not recognized in Europe, but this subject matter is permitted in the U.S.
34	16	**1.** Removed multiple dependencies. **2.** Corrected claim dependency numbering. **3.** Substituted "characterized in that" with "which comprises administering" **4.** This claim was found to be novel and inventive by the EPO, but lacked industrial applicability since the use of a compound in medical treatment is not recognized in Europe, but this subject matter is permitted in the U.S.

PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:	13/254,675	Filing date:	September 2, 2011
First Named Inventor:	Simon MORITZ		
Title of the Invention:	PROVIDING CONTENT BY USING A SOCIAL NETWORK		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/SE2009/050904

The international filing date of the corresponding PCT application(s) is/are: July 16, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO

(continued)

Application No.:	13/254,675
First Named Inventor:	Simon MORITZ

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 2, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 2, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same or similar scope
2	2	Same or similar scope
3	3	Same or similar scope
4	4	Same or similar scope
5	5	Same or similar scope
6	6	Same or similar scope
7	7	Same or similar scope
8	8	Same or similar scope
9	9	Same or similar scope
10	10	Same or similar scope
11	11	Same or similar scope
12	12	Same or similar scope
13	13	Same or similar scope
14	14	Same or similar scope
15	15	Same or similar scope
16	16	Same or similar scope
17	17,18	Same or similar scope

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 2011-09-02
Name (Print/Typed) Brian S. Rosenbloom	Registration Number 41276

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

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FEB 23 2012
OFFICE OF PETITIONS

In re Application of
Jochen MAEHLISS et al.
Application No.: 13/254,729
Filed: December 23, 2011
Attorney Docket No.: 10670US
(F08/0907FB GLA)
For: Etching Composition, in Particular for Silicon Materials, Method for....

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the EPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the EPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the EPO application is a first action allowance then no office action from the EPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the EPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the EPO examiner in the EPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

DEC 20 2011

OFFICE OF PETITIONS

BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

In re Application of	: DECISION ON REQUEST TO
Tetsuhiro MATSUNAGA et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 13/254,733	: AND PETITION TO MAKE SPECIAL
Filed: September 2, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 920_286	:

For: POROUS METAL FOIL AND PRODUCTION METHOD THEREFOR

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 3, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 1784 for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	13/254,763	First Named Inventor:	Christophe STAUBLI
Filing Date:	September 2, 2011	Attorney Docket No.:	Q126098
Title of the Invention:	BREWING PISTON FOR INFUSION PREPARATION, BREWING MACHINE USING THE BREWING PISTON		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2010/050885

The international filing date of the corresponding PCT application(s) is/are: March 2, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached.

☑ has already been filed in the above-identified U.S. application on September 2, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ are attached.

☑ have already been filed in the above-identified U.S. application on September 2, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/254,763	First Named Inventor:	Christophe STAUBLI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-10		Cancelled in U.S. Application .
11	7	US Claim 11 sufficiently corresponds to PCT claim 7 found allowable by the EPO in the Written Opinion.
12	2	US Claim 12 sufficiently corresponds to PCT claim 2.
13	3	US Claim 13 sufficiently corresponds to PCT claim 3.
14	3	US Claim 14 sufficiently corresponds to PCT claim 3.
15	4	US Claim 15 sufficiently corresponds to PCT claim 4.
16	4	US Claim 16 sufficiently corresponds to PCT claim 4.
17	4	US Claim 17 sufficiently corresponds to PCT claim 4.
18	4	US Claim 18 sufficiently corresponds to PCT claim 4.
19	7	US Claim 19 sufficiently corresponds to PCT claim 7 found allowable by the EPO in the Written Opinion.
20	6	US Claim 20 sufficiently corresponds to PCT claim 6.
21	8	US Claim 21 sufficiently corresponds to PCT claim 8.
22	8	US Claim 22 sufficiently corresponds to PCT claim 8.
23	8	US Claim 23 sufficiently corresponds to PCT claim 7 found allowable by the EPO in the Written Opinion.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Raja Saliba/	Date March 14, 2012
Name (Print/Typed) Raja Saliba	Registration Number 43,078

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2010/050885

A. CLASSIFICATION OF SUBJECT MATTER
INV. A47J31/36
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A47J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 535 554 A1 (STEINER AG WEGGIS [CH]) 1 June 2005 (2005-06-01) column 4, paragraph 17 figures 3-5 -----	1-6,8-10
X	GB 2 019 202 A (VALENTE P; PILONI T) 31 October 1979 (1979-10-31)	9,10
A	page 2, column 2, line 117 - page 3, column 1, line 5 figures 1,10,11 -----	1,5
X	DE 33 16 157 A1 (WMF WUERTTEMBERG METALLWAREN [DE]) 8 November 1984 (1984-11-08) page 8, line 3 - line 22 figures 1-6 -----	1-4,9,10

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
9 July 2010	16/07/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Kempeneers, Johanna

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/IB2010/050885

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
EP 1535554	A1	01-06-2005	NONE			
GB 2019202	A	31-10-1979	AT	368858	B	25-11-1982
			BE	875008	A1	24-09-1979
			BR	7902288	A	23-10-1979
			CA	1095471	A1	10-02-1981
			CH	631883	A5	15-09-1982
			DE	2912841	A1	25-10-1979
			DE	2954599	C2	18-04-1991
			ES	235333	U	01-06-1978
			FR	2422370	A1	09-11-1979
			JP	1403924	C	09-10-1987
			JP	55024090	A	20-02-1980
			JP	62011849	B	14-03-1987
			US	4271752	A	09-06-1981
DE 3316157	A1	08-11-1984	CH	662716	A5	30-10-1987

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 10833.01pcpc	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IB2010/050885	International filing date *(day/month/year)* 02 March 2010 (02.03.2010)	Priority date *(day/month/year)* 06 March 2009 (06.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EGRO COFFEE SYSTEMS AG		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 06 September 2011 (06.09.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Cécile Chatel e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2010/050885	02.03.2010	06.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. A47J31/36

Applicant
EGRO COFFEE SYSTEMS AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Kempeneers, Johanna Telephone No. +31 70 340-4502

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2010/050885

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3, 4, 7
	No:	Claims	1, 2, 5, 6, 8-10
Inventive step (IS)	Yes:	Claims	7
	No:	Claims	1-6, 8-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reference is made to the following documents:

D1 EP 1 535 554 A1 (STEINER AG WEGGIS [CH]) 1 June 2005 (2005-06-01)

D2 GB 2 019 202 A (VALENTE P; PILONI T) 31 October 1979 (1979-10-31)

D3 DE 33 16 157 A1 (WMF WUERTTEMBERG METALLWAREN [DE]) 8 November 1984 (1984-11-08)

1 INDEPENDENT CLAIMS 1, 5 AND 9

1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 5 and 9 is not new in the sense of Article 33(2) PCT.

1.2 Independent claim 1

1.2.1 Document D1 discloses (see figure 3)

a brewing piston (32) for infusion preparation comprising

- a head, associated to a filtering element (see filtering element to which channels 32' lead in the direction of the brewing cylinder 20), and a lateral surface (see lateral surface of reduced diameter portion of the brewing piston 32 fitted inside the end part 39 of brewing cylinder 20);

- at least one first gasket located in proximity of the head and at least one second gasket located a predetermined distance from the at least one first gasket (see both gaskets around reduced diameter portion of

the brewing piston 32 on both sides of the through bore inside that reduced diameter portion: one gasket is located in proximity of the head and the other gasket is located at a distance from the first gasket);

- at least one first conduit (32') connected to the head and arranged to inject a liquid for infusion preparation (see column 4, paragraph 17);

- at least one second conduit (through bore inside reduced diameter portion of the brewing piston 32) connected to the lateral surface between the gaskets and arranged to inject, during infusion preparation, the liquid between the at least one first gasket and the at least one second gasket.

The subject-matter of independent claim 1 is therefore not new.

1.2.2 Moreover, the subject-matter of independent claim 1 is also not new in view of document D3. D3 shows (see figure 3):

a brewing piston (17), a head (upper part of 17 close to filtering element 19), filtering element (19), a lateral surface (surface to which sealing rings 22 are applied), a first gasket (gasket 22 located near filtering element), a second gasket (other gasket 22), a first conduit (vertically arranged conduit inside 17 leading to filtering element 19), a second conduit (horizontally arranged conduit leading to lateral surface in between sealing rings 22).

In D3, the first and second conduits are arranged inside the brewing apparatus in such a way that during infusion preparation (see figure 3), the brewed beverage liquid is guided from the first conduit towards the second conduit and a beverage discharge conduit 21. They are thus not arranged as defined in independent claim 1. However, the brewing piston of document D1 contains all the technical features to enable an arrangement as defined in independent claim 1. Therefore, independent claim 1 is also not new in view of document D3 (see also Re Item VIII below).

1.3 Independent claim 5

Document D1 further also reveals the following technical features (see figure 3):

a machine for infusion preparation ("Kaffeemaschine": column 1, line 4), a boiler (implicit feature, see colum 4, paragraph 17: "brühendes Wasser oder Dampf (...) gepumpt"), a cylinder (20), a brewing piston (32) having a relative motion as to the cylinder (see column 3, paragraph 14, lines

50-51), first and second gaskets (see both gaskets around reduced diameter portion of the brewing piston 32 on both sides of the through bore inside that reduced diameter portion), first conduit (32'), second conduit (through bore inside reduced diameter portion of the brewing piston 32).

The subject-matter of independent claim 5 is therefore not new.

1.4 Independent claim 9

1.4.1 The same reasoning as in points 1.2.1 and 1.3 above, applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 9, which therefore is are also considered not new in view of document D1.

1.4.2 Moreover, the subject-matter of independent claim 9 is also not new in view of document D2. D2 shows (see figure 10):

a method for limiting or avoiding leakage in a machine for infusion preparation ("apparatus for preparing and delivering a coffee infusion": page 1, lines 6-7), said machine comprising at least one boiler (84, see figure 9) and at least one brewing piston ("upper piston" 14, see also figure 1) having a brewing head (part of piston 14 shown in figure 10 in a position fitted inside brewing cylinder 10) and at least one first gasket (90) and at least one second gasket (88), said second gasket (88) being located at a predetermined distance from the at least one first gasket (90); the method being characterised by the step of

- injecting by means of the boiler (84) (via tube 36 also shown in figure 9) a liquid ("hot water is fed": page 2, lines 119-124) in the piston head and between the at least one first gasket (90) and second gasket (88) during infusion preparation.

1.4.3 Since independent claim 9 fails to define the nature of the "liquid" and because of the broad interpretation possible of the used wordings, independent claim 9 also lacks novelty in view of document D3. D3 shows that, during infusion, liquid (coffee beverage) is injected by means of the boiler in the piston head (17) and between the at least one first gasket (22) and the at least second gasket (22).

2 DEPENDENT CLAIMS 2-4, 6-8 AND 10

Dependent claims 2-4, 6-8 and 10 do not appear to contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), the reasons being as follows (see D1).

claims 2 and 8 (lack of novelty):

See figure 3: the size (length) of the second conduit (through bore inside reduced diameter portion of the brewing piston 32) is smaller than the size (length) of the first conduit (32').

claim 3 (lack of inventive step):

As shown in figure 3, the proportion of the length is more or less 0.4 to 1.0. It is not considered inventive to choose exactly this proportion.

claim 4 (lack of inventive step):

Well known types of gaskets.

claim 6 (lack of novelty):

main conduit: conduit shown in figure 4 in end part 39 of brewing cylinder 20 and leading towards the second conduit (through bore inside reduced diameter portion of the brewing piston 32)

claim 10 (lack of novelty):

See figures 4 and 5: water that has remained between the first and the second gasket after injection of water into the piston head and between the first gasket and the second gasket during infusion preparation (figure 4), will be drained as soon as the brewing cylinder 20 is retracted sufficiently towards the position shown in figure 5 to locate the reduced diameter portion of the brewing piston 32 outside of the reduced diameter portion of the brewing cylinder 20.

3 DEPENDENT CLAIM 7

The combination of the features of dependent claim 7 is neither known from, nor rendered obvious by, the available prior art (however, see Re Item VIII below).

Re Item VIII

The application does not meet the requirements of Article 6 PCT, because claims 1 and 7 are not clear.

1 As explained below, some of the features in the apparatus claim 1 relate to a method of using the apparatus (brewing piston) rather than clearly defining the apparatus (brewing piston) in terms of its technical features. The intended limitations are therefore not clear from this claim.

The concerned expressions used are the following:

- at least one first conduit connected to the head and arranged to inject a liquid for infusion preparation,

- at least one second conduit connected to the lateral surface between the gaskets and arranged to inject, during infusion preparation, the liquid between the at least one first gasket and the at least one second gasket.

2 The features in the apparatus claim 7 also relate to a method of using the apparatus (machine for infusion preparation) rather than clearly defining the apparatus (machine for infusion preparation) in terms of its technical features. The intended limitations are therefore not clear from this claim.

The concerned expression used is the following:

- in use, the piston is arranged to be positioned (...)

****

Patent Claims

1. Brewing piston for infusion preparation, comprising:

- a head (25), associated to a filtering element (25a), and a lateral surface (25b);
- at least one first gasket (31) located in proximity of the head (25) and at least one second gasket (32) located at a predetermined distance from the at least one first gasket;

characterised by:

- at least one first conduit (81a) connected to the head (25) and arranged to inject a liquid for infusion preparation;
- at least one second conduit (81b) connected to the lateral surface (25b) between the gaskets (31, 32) and arranged to inject, during infusion preparation, the liquid between the at least one first gasket (31) and the at least one second gasket (32).

2. Brewing piston according to claim 1, characterised in that said second conduit (81b) has a size or an output hole (85b) smaller than the size of the first conduit (81a) or of a corresponding output hole (85a).

3. Brewing piston according to claim 1 or 2, characterised in that said second conduit (81b) has a size or an output hole (85b) smaller than the size of the first conduit (81a) or of a corresponding output hole (85a) in a proportion of 0.4 to 1.0.

4. Brewing piston according to any one of claims 1 to 3, characterised in that said at least one first gasket (31) is a Turcon® type gasket and said at least one second gasket (32) is a silicone gasket.

5. Machine for infusion preparation comprising:

- at least one boiler (18);
- at least one cylinder (21);
- at least one brewing piston (23) having a relative motion as to the cylinder and comprising at least one first gasket (31) and at least one second gasket (32), said second gasket (32) being located at a predetermined distance from the at least one first gasket, said piston being arranged to receive from the boiler (18) a liquid through at least one first conduit (81a) for infusion preparation;

characterised in that said piston (23) further comprises:

- at least one second conduit (81b) being arranged to receive the liquid from the boiler (18) and to inject the liquid between the at least one first gasket and the at least one second gasket (32) during infusion preparation.

6. Machine according to claim 5, characterised in that the boiler (18) is connected

to the piston through a main conduit (81) that divides in said at least one first conduit (81a) and in said at least one second conduit (81b).

7. Machine according to claim 5 or 6, characterised in that, in use, the piston (23) is arranged to be positioned in at least two positions:

- a first position or resting position wherein said at least one second gasket (32) is held outside the cylinder (21) and said at least one first gasket is held inside the cylinder (21);
- a second position or infusion position wherein both said at least one second gasket (32) and said at least one first gasket are held inside the cylinder (21).

8. Machine according to any one of claims 5 to 7, characterised in that said second conduit (81b) has a size or an output hole (85b) smaller than the size of the first conduit (81a) or of a corresponding output hole (85a).

9. Method for limiting or avoiding leakage in a machine for infusion preparation, said machine comprising at least one boiler (18) and at least one brewing piston (23) having a brewing head (25) and at least one first gasket (31) and at least one second gasket (32), said second gasket being located at a predetermined distance from the at least one first gasket; the method being characterised by the step of:

- injecting by means of the boiler (18) a liquid into the piston head (25) and between the at least one first gasket (31) and the least one second gasket (32) during infusion preparation.

10. Method according to claim 9, characterised by the further step of:

- discharging the liquid injected between the at least one first gasket (31) and the least one second gasket (32).

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

LOWE HAUPTMAN HAM & BERNER, LLP
Attn. Hauptman, Benjamin J.
1700 Diagonal Road, Suite 300
Alexandria, VA 22314-2848
ETATS-UNIS D'AMERIQUE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)*	25/05/2010
Applicant's or agent's file reference 713-2328PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US2010/023283	International filing date *(day/month/year)* 05/02/2010
Applicant ILLINOIS TOOL WORKS INC.	

RECEIVED MAY 25 2010 LOWE, HAUPTMAN, HAM & BERNER

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Sandrine Parriche

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide,* National Chapters.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 713-2328PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/023283	International filing date *(day/month/year)* 05/02/2010	(Earliest) Priority Date *(day/month/year)* 04/03/2009
Applicant ILLINOIS TOOL WORKS INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language,** the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. [ ] **Certain claims were found unsearchable** (See Box No. II)

3. [ ] **Unity of invention is lacking** (see Box No III)

4. With regard to the **title,**
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   [ ] the text is approved as submitted by the applicant
   [X] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings,**
   a. the figure of the **drawings** to be published with the abstract is Figure No. 2
      [ ] as suggested by the applicant
      [X] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2010/023283

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A fastener assembly (30) includes a bushing (34) having a flange (44) configured to be urged toward a work-piece (56), and an isolation spring (36) configured to be positioned between the flange (44) and the work-piece (56). The isolation spring (36) includes a metal core (50) integrally formed with a rubber coating (52).

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2010/023283

A. CLASSIFICATION OF SUBJECT MATTER
INV. F16F1/32 F16B5/02 F16F1/373
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
F16B F16F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2008/075403 A1 (HOLT JASON [US] ET AL) 27 March 2008 (2008-03-27) the whole document -----	1-20
A	US 3 559 979 A (MULLER ALF JOHN) 2 February 1971 (1971-02-02) abstract figure 1 column 2, line 26 - line 59 -----	1-20
A	US 5 397 206 A (SIHON TANAS M [US]) 14 March 1995 (1995-03-14) the whole document -----	1-20
A	EP 0 399 135 A1 (FREUDENBERG CARL FA [DE]) 28 November 1990 (1990-11-28) the whole document -----	1-20

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
17 May 2010	25/05/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Huusom, Carsten

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2010/023283

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
US 2008075403	A1	27-03-2008	EP	2066899	A1	10-06-2009
			JP	2010505078	T	18-02-2010
			WO	2008039817	A1	03-04-2008
US 3559979	A	02-02-1971	FR	1581968	A	19-09-1969
			GB	1198010	A	08-07-1970
US 5397206	A	14-03-1995	NONE			
EP 0399135	A1	28-11-1990	AT	88797	T	15-05-1993
			DE	3916538	C1	25-10-1990
			DE	59001289	D1	03-06-1993
			DK	0399135	T3	17-05-1993

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/023283	05.02.2010	04.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. F16F1/32 F16B5/02 F16F1/373

Applicant
ILLINOIS TOOL WORKS INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Huusom, Carsten Telephone No. +49 89 2399-8867

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/023283

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reference is made to the following documents:

D1 US 2008/075403 A1 (HOLT JASON [US] ET AL) 27 March 2008 (2008-03-27)

D2 US 3 559 979 A (MULLER ALF JOHN) 2 February 1971 (1971-02-02)

D3 US 5 397 206 A (SIHON TANAS M [US]) 14 March 1995 (1995-03-14)

D4 EP 0 399 135 A1 (FREUDENBERG CARL FA [DE]) 28 November 1990 (1990-11-28)

1 Disregarding the comments given below (point VIII) the following comments are given in advance.

D1 is regarded as being the prior art closest to the subject-matter of claims 1 (and 10), and discloses (see e.g. Fig. 1):

A fastener assembly comprising:

a bushing (cylinder 54) comprising a flange (58) configured to be urged toward a work-piece; and

an (isolation) spring (spring member 58) configured to be positioned between said flange and the work-piece.

The subject-matter of claim 1 therefore differs from this known assembly in that the spring is not an isolation spring in the sense of being electrically isolated and in that the spring comprises a metal core integrally formed with a rubber coating and is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as improving the performance of such an assembly.

The solution to this problem proposed in claim 1 (relating to a configuration with a single isolation spring) and in claim 10 (relating to a double configuration) of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons since none of the

presently available prior art documents disclose springs with a metal spring core completely embedded in rubber thereby combining the inherent characteristics of the two materials.

The same applies to claim 16 relating to the isolation spring per se configured to be used with a fastener assembly.

Claims 2-9, 11-15 and 17-20 are dependent on claims 1,10 and 16 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 is not mentioned in the description, nor is this document identified therein.

3 The Independent claim/s is/are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art D1 being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

4 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

5 Although product claims 1, 10 and 16 have been drafted as separate independent claims, they appear to relate effectively to the same or at least overlapping subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in

respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT*	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/254,778	Filing date:	2011-09-02
First Named Inventor:	Robert R. SCHASER		
Title of the Invention:	BUSHING ASSEMBLY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/023283

The international filing date of the corresponding PCT application(s) is/are: February 5, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/254,778
First Named Inventor:	Robert R. SCHASER et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 2, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 2, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	US Claims 1-20 are Substantially Corresponding to PCT Claims 1-20, respectively

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Benjamin J. Hauptman/	Date 2011-10-19
Name (Print/Typed) Benjamin J. Hauptman	Registration Number 29,310

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
PATENT DEPARTMENT
GLENVIEW IL 60025

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
Robert R. Schaser, et al.
Application No.: 13/254,778
Filed: September 2, 2011
Attorney Docket No.: 713-2328 (22628)
For: BUSHING ASSEMBLY

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 19, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1) and (3-8), above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (2).

Regarding requirement (2), the applicant failed to provide an explanation why the claim(s) is/are not subject to the observation in Box VIII.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	To be assigned	Filing date:	Herewith
First Named Inventor:	Tony REID		
Title of the Invention:	TUMOR-SELECTIVE E1A AND E1B MUTANTS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/025926

The international filing date of the corresponding PCT application(s) is/are: 2 March 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	To be assigned
First Named Inventor:	Tony REID

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5	1-3, 9-10	Claims are identical in PCT and current applications
6	11 + 16	ISA approved claim 16 (PCT) depending from claim 11 (PCT)
7	12 + 16	ISA approved claim 16 (PCT) depending from claim 12 (PCT)
8	13 + 16	ISA approved claim 16 (PCT) depending from claim 13 (PCT)
9	14 + 16	ISA approved claim 16 (PCT) depending from claim 14 (PCT)
10	15 + 16	ISA approved claim 16 (PCT) depending from claim 15 (PCT)
11-15	17-21	Claims are identical in PCT and current applications

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Steven C. Koerber/	Date September 2, 2011
Name (Print/Typed) Steven C. Koerber	Registration Number 54,233

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/254,837	Filing date:	09/02/2011
First Named Inventor:	Gregory Welch		
Title of the Invention:	METHODS, SYSTEMS, AND COMPUTER READABLE MEDIA FOR SHADER-LAMPS BASED PHYSICAL AVATARS OF REAL AND VIRTUAL PEOPLE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/026534

The international filing date of the corresponding PCT application(s) is/are: 03/08/2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/254,837
First Named Inventor:	Gregory Welch

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [✓] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [✓] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-32	1-32	Exactly the same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 10/24/2011
Name (Print/Typed) Gregory A. Hunt	Registration Number 41,085

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PCT/US2010/026534

RECEIVED OCT 28 2010

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

*NO Pending US cases

To:

HUNT GREGORY A.

JENKINS, WILSON, TAYLOR & HUNT, P.A. SUITE 1200,
UNIVERSITY TOWER 3100 TOWER BOULEVARD
DURHAM NC 27707 USA

DOCKET DATES: 11/22; 12/15; 12/22/10
ASSIGNED ATTY: GAH/WAS
FILE NO. 421/250 PCT
DOCKETED BY: PGL DATE: 11/5/10

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 22 OCTOBER 2010 (22.10.2010)
Applicant's or agent's file reference 421/250 PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2010/026534**	International filing date *(day/month/year)* **08 MARCH 2010 (08.03.2010)**
Applicant **THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL et al**	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70
For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-8753

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **7V55D2ZK**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 421/250 PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. **PCT/US2010/026534**	International filing date *(day/month/year)* **08 MARCH 2010 (08.03.2010)**	(Earliest) Priority Date *(day/month/year)* 06 MARCH 2009 (06.03.2009)
Applicant **THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL et al**		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/026534

A. CLASSIFICATION OF SUBJECT MATTER

G06T 15/00(2006.01)i, G06T 17/00(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
G06T 15/00; H04Q 7/00; G06F 15/173; G06F 9/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords:3D, avatar, mapping, shade

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 2007-008489 A2 (GEMINI MOBILE TECHNOLOGIES, INC.) 18 January 2007 See abstract, page 7, [0034]-page 8,[0039]; Figs. 3A-6; claims 1 and 8	1-32
A	WO 2008-112165 A1 (GEMINI MOBILE TECHNOLOGIES, INC. et al.) 18 September 2008 See abstract, page 11, [0036] -page 13, [0041]; Figs. 4 and 5; claims 1 and 9	1-32
A	WO 2008-112212 A1 (GEMINI MOBILE TECHNOLOGIES, INC. et al.) 18 September 2008 See abstract, page 11, [0035]-page 19, [0057]; Figs. 4-8B; claims 1 and 9	1-32

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
22 OCTOBER 2010 (22.10.2010)	**22 OCTOBER 2010 (22.10.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer CHO, Woo Yeon Telephone No. 82-42-481-8524

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/US2010/026534

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2007-008489 A2	18.01.2007	CN 101291341 A	22.10.2008
		CN 101291341 C0	22.10.2008
		CN 101321078 A	10.12.2008
		CN 101542533 A	23.09.2009
		EP 1899805 A2	19.03.2008
		EP 1968276 A2	10.09.2008
		EP 1968276 A3	07.10.2009
		EP 1983724 A1	22.10.2008
		JP 2008-257709 A	23.10.2008
		JP 2009-500751 A	08.01.2009
		JP 2009-500751 T	08.01.2009
		KR 10-2008-0040704 A	08.05.2008
		KR 10-2008-0082941 A	12.09.2008
		KR 10-2008-0082942 A	12.09.2008
		KR20080040704A	08.05.2008
		MX 2008000153 A	17.10.2008
		US 2007-0011617 A1	11.01.2007
		US 2007-011617 A1	11.01.2007
		US 2007-0156664 A1	05.07.2007
		US 2007-0162862 A1	12.07.2007
		WO 2007-008489 A2	18.01.2007
		WO 2007-008489 A3	18.01.2007
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		WO 2008-112165 A1	18.09.2008
		WO 2008-112212 A1	18.09.2008
WO 2008-112165 A1	18.09.2008	CN 101291341 A	22.10.2008
		CN 101291341 C0	22.10.2008
		CN 101321078 A	10.12.2008
		CN 101542533 A	23.09.2009
		EP 1899805 A2	19.03.2008
		EP 1968276 A2	10.09.2008
		EP 1968276 A3	07.10.2009
		EP 1983724 A1	22.10.2008
		JP 2008-257709 A	23.10.2008
		JP 2009-500751 A	08.01.2009
		KR 10-2008-0040704 A	08.05.2008
		KR 10-2008-0082941 A	12.09.2008
		KR 10-2008-0082942 A	12.09.2008
		KR20080082941A	12.09.2008
		US 2007-0011617 A1	11.01.2007
		US 2007-0156664 A1	05.07.2007
		US 2007-0162862 A1	12.07.2007
		WO 2007-008489 A2	18.01.2007
		WO 2007-008489 A3	18.01.2007
		WO 2008-112212 A1	18.09.2008
WO 2008-112212 A1	18.09.2008	CN 101291341 A	22.10.2008
		CN 101291341 C0	22.10.2008

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2010/026534

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
		CN 101321078 A	10.12.2008
		CN 101542533 A	23.09.2009
		EP 1899805 A2	19.03.2008
		EP 1968276 A2	10.09.2008
		EP 1968276 A3	07.10.2009
		EP 1983724 A1	22.10.2008
		JP 2008-257709 A	23.10.2008
		JP 2008-276748 A	13.11.2008
		JP 2009-500751 A	08.01.2009
		KR 10-2008-0040704 A	08.05.2008
		KR 10-2008-0082941 A	12.09.2008
		KR 10-2008-0082942 A	12.09.2008
		KR20080082942A	12.09.2008
		US 2007-0011617 A1	11.01.2007
		US 2007-0156664 A1	05.07.2007
		US 2007-0162862 A1	12.07.2007
		WO 2007-008489 A2	18.01.2007
		WO 2007-008489 A3	18.01.2007
		WO 2008-112165 A1	18.09.2008

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
HUNT GREGORY A.

JENKINS, WILSON, TAYLOR & HUNT, P.A. SUITE 1200,
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **22 OCTOBER 2010 (22.10.2010)**

Applicant's or agent's file reference
421/250 PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/026534	**08 MARCH 2010 (08.03.2010)**	06 MARCH 2009 (06.03.2009)

International Patent Classification (IPC) or both national classification and IPC

G06T 15/00(2006.01)i, G06T 17/00(2006.01)i

Applicant

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	22 OCTOBER 2010 (22.10.2010)	CHO, Woo Yeon Telephone No.82-42-481-8524

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/026534

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing filed or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/026534

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-32	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-32	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-32	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: WO 2007-008489 A2 (GEMINI MOBILE TECHNOLOGIES, INC.) 18 January 2007
D2: WO 2008-112165 A1 (GEMINI MOBILE TECHNOLOGIES, INC. et al.) 18 September 200
D3: WO 2008-112212 A1 (GEMINI MOBILE TECHNOLOGIES, INC. et al.) 18 September 200

1. Novelty and Inventive Step

1.1 Claim 1-16
The subject matter of claim 1 differs from these prior art documents in that determining at least one of size, shap, position and orientation of 3D physical target object and determining a set of coordinate data associated with various locations on the surface of the target object.
And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-16 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claim 17-31
Claim 17 relates to a system for projecting shader lamps-based avatars of real and virtual objects the subject matter according to method claim 1. Claim 17is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 18-31 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.3 Claim 32
Claim 32 relates to a computer-readable medium. The features of the computer-readable medium of independent claim 32 essentially correspond to those of the method of claim 1.

2. Industrial Applicability

Claims 1-32 are industrially applicable under PCT Article 33(4).

CLAIMS

What is claimed is:

1. A method for projecting shader lamps-based avatars of real and virtual objects onto physical target objects, the method comprising:

obtaining visual information of a source object and generating at least a first data set of pixels representing a texture image of the source object;

determining at least one of a size, shape, position, and orientation of a 3D physical target object and determining a set of coordinate data associated with various locations on the surface of the target object;

mapping the visual information to the physical target object, wherein mapping includes defining a relationship between the first and second sets of data, wherein each element of the first set is related to each element of the second set;

displaying the mapped visual information on the physical target object.

2. The method of claim 1 wherein obtaining visual information of the source object includes obtaining visual information from one of a physical source object and a virtual source object.

3. The method of claim 1 comprising bi-directionally communicating the visual information between the source object and the target object such that physical interaction with either the source object or the target object is captured and projected onto the corresponding object.

4. The method of claim 1 wherein mapping and projecting the visual information onto the physical target object includes continuously mapping and projecting a live video image onto the physical target object.

5. The method of claim 1 wherein mapping the visual information includes:

providing an initial mapping between the first and second data sets, wherein the shape of the target object is not known before the mapping;

determining the shape of the target object;

morphing the initial mapping based on the determined shape of the target object; and

re-mapping the morphed data set to the target object.

6. The method of claim 1 wherein defining a relationship between the first and second sets of data includes decoupling the shape, pose, and/or appearance of the source object from the shape, pose, and/or appearance of the target object.

7. The method of claim 1 wherein displaying the visual information includes using a flexible or shapeable surface-based display that approximately corresponds to the shape of the physical target object.

8. The method of claim 1 wherein displaying the visual information includes one of projection, emission, and transmission of the visual information.

9. The method of claim 8 wherein projection of the visual information includes using one or more projectors located at various positions around the target object.

10. The method of claim 8 wherein projection of the visual information includes using one of front projection and inside/rear projection.

11. The method of claim 8 wherein emission of the visual information includes using one of a plasma display panel (PDP), a light emitting diode (LED)-based display, an organic LED (OLED) display, and an active matrix OLED (AMOLED) display.

12. The method of claim 8 wherein transmission of the visual information includes using a liquid crystal display (LCD).

13. The method of claim 1 wherein displaying the visual information includes projecting context-sensitive visual information for providing prosthetic presence such that the projected image of the virtual source object matches that of a corresponding actual physical object which is not being projected on.

14. The method of claim 1 wherein the size and shape of the physical target object may be determined based on at least one of the size of

the source object, the shape of the source object, and the position of a viewer relative to the target object.

15. The method of claim 1 comprising capturing audio information from the source object and synchronizing the presentation of the audio information with the visual information.

16. The method of claim 1 wherein the steps of obtaining visual information of a source object and displaying the mapped visual information on the physical target object are performed at different geographic locations.

17. A system for projecting shader lamps-based avatars of real and virtual objects onto physical target objects, the system comprising:

an input module for:

obtaining visual information of a source object;

generating at least a first data set of pixels representing a texture image of the source object;

determining at least one of a size, shape, position, and orientation of a 3D physical target object; and

determining a set of coordinate data associated with the various locations on the surface of the physical target object;

a mapping module for mapping the visual information to the physical target object, wherein mapping includes defining a relationship between the first and second sets of data, wherein each element of the first set is related to each element in the second set; and

a display module for displaying the mapped visual information on the physical target object.

18. The system of claim 17 wherein the input module captures visual information from one of a physical source object and a virtual source object.

19. The system of claim 17 comprising a communications module for bi-directionally communicating the visual information between the source object and the target object such that physical interaction with either

the source object or the target object is captured and projected onto the corresponding object.

20. The system of claim 17 wherein the mapping module continuously maps a live video image onto the physical target object.

21. The system of claim 17 wherein the mapping module is configured to:

provide an initial mapping between the first and second data sets, wherein the shape of the target object is not known before the mapping;

determine the shape of the target object;

morph the initial mapping based on the determined shape of the target object; and

re-map the morphed data set to the target object.

22. The system of claim 17 wherein the mapping module is configured to decouple the shape, pose, and/or appearance of the source object from the shape, pose, and/or appearance of the target object.

23. The system of claim 17 wherein the display module includes a flexible or shapeable surface-based display that approximately corresponds to the shape of the physical target object.

24. The system of claim 17 wherein the display module includes one or more projectors located at various positions around the physical target object.

25. The system of claim 17 wherein the display module uses one of front projection and inside/rear projection.

26. The system of claim 17 wherein the display module includes one of a plasma display panel (PDP), a light emitting diode (LED)-based display, an organic LED (OLED) display, active matrix OLED (AMOLED) display, and a liquid crystal display (LCD).

27. The system of claim 16 wherein the display module is configured to project context-sensitive visual information for providing prosthetic presence such that the projected image of the virtual source object matches that of a corresponding actual physical object which is not being projected on.

28. The system of claim 17 wherein the input module is configured to capture audio information from the source object.

29. The system of claim 17 wherein the mapping module synchronizes the presentation of the audio information with the visual information.

30. The system of claim 17 wherein the display module continuously displays a live video image on the physical target object.

31. The system of claim 17 wherein the input module and the display module are located at geographically separate locations.

32. A computer-readable medium comprising computer executable instructions embodied in a tangible, non-transitory computer-readable medium and when executed by a processor of a computer performs steps comprising:

obtaining visual information of a source object and generating at least a first data set of pixels representing a texture image of the source object;

determining at least one of a size, shape, position, and orientation of a 3D physical target object and determining a set of coordinate data associated with various locations on the surface of the target object;

mapping the visual information to the physical target object, wherein mapping includes defining a relationship between the first and second sets of data, wherein each element of the first set is related to each element of the second set;

displaying the mapped visual information on the physical target object.

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MAR 06 2012

PCT LEGAL ADMINISTRATION

HOYNG MONEGIER LLP
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Amstelplein 1
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In re Application of:
VAN OMMEN, Jan, Rudolf
U.S. Application No.: 13/254,854
PCT No.: PCT/EP2010/052769
International Filing Date: 04 March 2010
Priority Date: 04 March 2009
Attorney's Docket No.: 14019.0003.USP0
For: APPARATUS AND PROCESS FOR ATOMIC OR MOLECULAR LAYER DEPOSITION ...

DECISION ON PETITIONS UNDER 37 CFR 1.28, 37 CFR 1.182, AND 37 CFR 1.183

This decision is issued in response to the "Petition For Refund Under 37 C.F.R. §1.28 Where Small Entity Is Later Established" and the "Petition Under 37 C.F.R. §1.182 And, In The Alternative, 37 C.F.R. §1.183" filed on 02 December 2011. No petition fee is required with respect to the petition under 37 CFR 1.28, and applicant has paid the petition fee applicable to the petition under 37 CFR 1.182. Deposit Account No. 50-5380 will be charged the additional $400 petition fee required for the petition under 37 CFR 1.183.

BACKGROUND

On 04 March 2010, applicant filed international application PCT/EP2010/052769. The international application claimed a priority date of 04 March 2009, and it designated the United States. On 10 September 2010, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 September 2011 (04 September 2011 was a Sunday). The published international application included 34 numbered claims and contained at least one multiple dependent claim.

On 25 May 2011, European Patent Office issued an "International Preliminary Report On Patentability" (Form PCT/IPEA/409) annexed to which was an amended set of 33 numbered claims. These amended claims included at least one multiple dependent claim.

On 05 September 2011, applicant filed materials requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an authorization to charge Deposit Account No. 50-5380 required fees, an executed declaration, and a preliminary amendment to the claims.

On 29 September 2011, the USPTO charged applicant's Deposit Account $390 as the fee for inclusion of a multiple dependent claim and $13,104 as the fee for inclusion of 252 additional total claims over 20 (beyond the 13 total claims over 20 for which applicant had paid upon filing).

On 04 October 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) had been satisfied as of 05 September 2011.

On 20 October 2011, applicant filed a request for a refund of the additional $13,494 in fees charged to applicant's Deposit Account.

On 01 November 2011, the USPTO issued correspondence denying applicant's refund request, noting that the preliminary amendment filed by applicants did not eliminate all multiple dependent claims. The correspondence specifically noted that amended claim 20 retained its multiple dependency and that each subsequent claim depended on multiple dependent claim 20.

On 02 December 2011, applicant filed the "Petition For Refund Under 37 C.F.R. §1.28 Where Small Entity Is Later Established" and the "Petition Under 37 C.F.R. §1.182 And, In The Alternative, 37 C.F.R. §1.183" considered herein.

DISCUSSION

1. Petition For Refund Under 37 CFR 1.28 (Small Entity Status)

Applicant's present petition under 37 CFR 1.28 asserts that applicant is a small entity, and it therefore requests a refund of the difference between the large entity fees paid herein and the small entity fees that should have been paid.

37 CFR 1.28(a) state as follows:

> A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee.

Applicant's present petition satisfies 37 CFR 1.28(a) in that it includes an assertion of small entity status and it was filed within three months of the date of the timely payment of the full fees. Accordingly, applicant's request for a refund of the difference between the large entity fees submitted herein and the small entity amounts for such fees is appropriately granted.

The application file indicates that applicant has been charged a total of $15,150 in fees that are subject to reduction based on small entity status. These fees are itemized as follows: (1) $330 basic national fee: (2) $430 search fee; (3) $220 examination fee; (4) $390 for inclusion of a multiple dependent claim; and (5) $13,780 for inclusion of 265 total claims over 20. The difference between the large entity fees paid and the small entity amounts for such fees is $7,575.

Accordingly, applicants will be granted a refund in the amount of $7,575 based on the present assertion of small entity status.[1]

2. **Petition For Refund Of Claims Fees Under 37 CFR 1.182**

Applicant's petition under 37 CFR 1.182 seeks a refund of the additional total claims fees and the multiple dependent claim fee charged to applicant based on the claims as set forth in the preliminary amendment filed on 05 September 2011.[2] The petition asserts that applicant's failure to remove the multiple dependencies in claim number 20 was inadvertent and that the additional claims fees charged based on this inadvertent error should therefore be refunded. The petition is accompanied by a revised preliminary amendment which removes the multiple dependencies.

Initially, it is noted that in an international application entering the national stage in the United States, the appropriate claims fees are calculated based on the claims in the international application, subject to any effective preliminary amendment to the claims filed with the initial national stage submission. As expressly stated in MPEP section1893.01(c) (emphasis added):

> A preliminary amendment accompanying the initial national stage submission under 35 U.SC. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). **A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.**

Thus, the revised preliminary amendment filed with the present petition (which removes the multiple dependencies retained in the original preliminary amendment but was not filed with the initial national stage submission) does not entitle applicant to a refund of the claims fees previously paid.

As for applicant's assertion that the fee payment was the result of an inadvertent error, 35 U.S.C. 42(d) sets forth the Office's authority to refund fees as follows:

> The Director may refund any fee paid by mistake or any amount paid in excess of that required.

Consistent with 35 U.S.C. 42(d), 37 CFR 1.26(a) states that refunds may be issued with respect to "any fee paid by mistake or in excess of that required."

---

[1] It is noted that applicant's petition under 37 CFR 1.28 requests a refund of $8,735. However, this amount appears to be calculated based on the current levels of the applicable fees, rather than the actual amounts charged to applicant (which amounts were based on the applicable fees as they were at the time of applicant's payment). As itemized above, the fees actually charged to applicant totaled $15,150, not the $17,470 asserted in the present petition, resulting in the appropriate refund amount being less than that requested in the petition.

[2] The fees at issue in the petition under 37 CFR 1.182, taking into account the small entity refund granted above, total $6,747 ($6,552 in excess total claims fees and $195 as the fee for inclusion of a multiple dependent claim).

The limited circumstances where a refund of fees is appropriate under 35 U.S.C. 42(d) and 37 CFR 1.26(a) are discussed in MPEP Section 607.02:

> Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment).
>
> When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).
>
> 37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

Here, the claims fees at issue are the appropriate fees due based on the claims retained in the preliminary amendment filed by applicant on 05 September 2011. Such fees were therefore not paid by mistake or in excess of that required, as necessary for a refund to be permissible under 35 U.S.C. 42(d) and 37 CFR 1.26(a). As expressly stated in the MPEP, when an applicant takes an action by mistake (as here, by filing a preliminary amendment that inadvertently retained multiple dependencies), "the submission of fees required to take that action ... is not a 'fee paid by mistake' within the meaning of 35 U.S.C. 42(d)."

Because the additional claims fees paid herein do not constitute a fee paid by mistake or in excess of that required within the meaning of 35 U.S.C. 42(d) and 37 CFR 1.26(a), such fees are not subject to refund. Accordingly, applicant's petition under 37 CFR 1.182 for a refund of these fees is appropriately dismissed.

3. <u>Petition For Refund Of Claims Fees Under 37 CFR 1.183</u>

37 CFR 1.183 states as follows (emphasis added):

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part **which is not a requirement of the statutes** may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

Applicant's petition under 37 CFR 1.183 requests that the "exorbitant" additional claims fees charged herein be refunded "in the interest of justice." However, as discussed above, the refund requested here is precluded by the applicable statute, 35 U.S.C. 42(d), which only permits a refund of fees "paid by mistake or any amount paid in excess of that required." 37 CFR 1.183 does not provide the Office with the authority to waive the statutory requirements of 35 U.S.C. 42(d). Applicant's petition under 37 CFR 1.183 for a refund of the claims fees paid herein is therefore appropriately dismissed.

Moreover, the present circumstances do not represent an "extraordinary situation" where "justice requires" the waiver of any applicable regulations under 37 CFR 1.183. Such relief is only appropriate in rare circumstances where the relief is necessary to avoid the loss of patent rights, or where applicant has no alternative remedies available. Where, as here, the applicant is only required to incur an additional expense to correct applicant's own error, with no resulting loss of patent rights, the extraordinary remedy of relief under 37 CFR 1.183 is not necessary or appropriate.

CONCLUSION

The petition for refund under 37 CFR 1.28 based on an assertion of small entity status is **GRANTED** to the following extent:

Deposit Account No. 50-5380 will be credited with a total refund of $7,575, the difference between the large entity fees paid herein and their small entity equivalents. Specifically, the refund is itemized as follows: $165 for the basic national fee, $215 for the search fee, $110 for the examination fee, $195 for the fee for inclusion of a multiple dependent claim, and $6,890 for the fee for inclusion of 265 total claims over 20.

The petition under 37 CFR 1.182 for a refund of the additional claims fees charged is **DISMISSED** without prejudice.

The petition under 37 CFR 1.183 for a waiver of applicable regulations so as to permit a refund of the additional claims fees charged is **DISMISSED** without prejudice.

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.182" and must include a proper showing that the additional claims fees charged herein were "paid by mistake" or "in excess of that required" within the meaning of 35 U.S.C. 42(d).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The application is being referred to Group Art Unit 1715 for examination.

Any telephone inquiries with respect to this decision should be directed to Richard M. Ross at 571-272-3296.

Charles A. Pearson
Director
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/254,956	09/06/2011	Tetsuyuki Nakamura	JFE-11-1287	2552

35811 7590 11/10/2011
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EXAMINER

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 10 2011

In re application of	:	DECISION ON REQUEST TO
Tetsuyuki Nakamura et al.	:	PARTICIPATE IN PATENT
Serial No. 13/254,956	:	PROSECUTION HIGHWAY
Filed: September 06, 2011	:	PROGRAM AND
Attorney Docket No: JFE-11-1287	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 15, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/255,014	Filing date:	October 5, 2011
First Named Inventor:	Luis A. Jurado et al.		
Title of the Invention:	IMAGING GLYPHOSATE IN PLANT TISSUE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/26673

The international date of the corresponding PCT application(s) is/are: 9 March 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- [✓] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [✓] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). This information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,014
First Named Inventor:	Luis A. Jurado et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 17, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 17, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same
2	2	same
3	3	same
4	4	same
5	5	same
6	6	same
7	7	same
8	8	same
9	9	same
10	10	same
11	11	same
12	12	same
13	13	same
14	14	same
15	15	same
16	16	same
17	17	same
18	18	same
		CLAIM CORRESPONDENCE CONTINUED ON NEXT PAGE

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature ** CLAIM CORRESPONDENCE CONTINUED ON NEXT PAGE **	Date
Name (Print/Typed)	Registration Number

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,014
First Named Inventor:	Luis A. Jurado et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 17, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 17, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	19	same
20	20	same
21	21	same
22	22	same
23	23	same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Brian Panka	Date November 9, 2011
Name (Print/Typed) Brian G. Panka	Registration Number 53430

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
HARNESS, DICKEY & PIERCE, P.L.C.
Attn. William A. Ziehler
7700 Bonhomme Suite 400
St. Louis, MO 63105
ETATS-UNIS D'AMERIQUE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)*	20/04/2010
FOR FURTHER ACTION	See paragraphs 1 and 4 below
International filing date *(day/month/year)*	09/03/2010

Applicant's or agent's file reference
5089-33/WO/POA

International application No.
PCT/US2010/026673

Applicant
MONSANTO TECHNOLOGY LLC

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Barbara Berruti HDP STL 05405/101027

(See notes on accompanying sheet)

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no International search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
   "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
   "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
   "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
   "Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 5089-33/WO/POA	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/026673	International filing date *(day/month/year)* 09/03/2010	(Earliest) Priority Date *(day/month/year)* 10/03/2009
Applicant MONSANTO TECHNOLOGY LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. [ ] **Certain claims were found unsearchable** (See Box No. II)
3. [ ] **Unity of invention is lacking** (see Box No III)
4. With regard to the **title**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      [X] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2010/026673

A. CLASSIFICATION OF SUBJECT MATTER
INV. C12Q1/26 C12Q1/66
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, EMBASE, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92/00377 A1 (MONSANTO CO [US]) 9 January 1992 (1992-01-09) page 11, line 7 - page 12, line 21 & US R E38 825 E1 (BARRY GERARD F [US] ET AL) 11 October 2005 (2005-10-11) cited in the application	1-23
A	WO 2004/113555 A2 (ENZEYE INC [US]; WINTERBOER DENNY C [US]; THOMPSON KATIE A [US]) 29 December 2004 (2004-12-29) paragraphs [0052], [0053] claims 1,24	1-23

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
8 April 2010	20/04/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Gundlach, Björn

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2010/026673

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
WO 9200377	A1	09-01-1992	AT	213774	T	15-03-2002
			AU	655197	B2	08-12-1994
			CA	2083948	A1	26-12-1991
			DE	69132939	D1	04-04-2002
			DE	69132939	T2	14-11-2002
			DK	0536330	T3	22-04-2002
			EP	0536330	A1	14-04-1993
			ES	2173077	T3	16-10-2002
			JP	3173784	B2	04-06-2001
			JP	5508776	T	09-12-1993
			JP	2001197842	A	24-07-2001
			US	5776760	A	07-07-1998
WO 2004113555	A2	29-12-2004	NONE			

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/026673	09.03.2010	10.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. C12Q1/26 C12Q1/66

Applicant
MONSANTO TECHNOLOGY LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Date of completion of this opinion
see form PCT/ISA/210

Authorized Officer
Gundlach, Björn
Telephone No. +31 70 340-4478

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-23
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-23
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-23
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document(s):

D1 WO 92/00377 A1 (MONSANTO CO [US]) 9 January 1992 (1992-01-09) ; & US R E38 825 E1 (BARRY GERARD F [US] ET AL) 11 October 2005 (2005-10-11)cited in the application

D2 WO 2004/113555 A2 (ENZEYE INC [US]; WINTERBOER DENNY C [US]; THOMPSON KATIE A [US]) 29 December 2004 (2004-12-29)

D1 is regarded as being the prior art closest to the subject-matter of independent claim 1 and interrelated claim 8), and discloses:

Assays for measuring turn-over of glyphosate using glyphosate oxidoreductase. Three different ways of assaying are disclosed, namely based on an oxygen electrode, and two methods involving a HPLC step (page 11, para. 2 to p. 12, para. 1).

Subject-matter of claim 8 differs from D1 in that NADP+, FMN, a long chain fatty acid and luciferase are present (see fig. 1 for a flow scheme) and thus is novel..

The technical effect deriving from the technical difference is that *in planta* assays can be carried out.

The objective problem to be solved is: How to provide a system for detection of glyphosate that allows *in planta* assays to be carried out?

The solution is not obvious for the following reasons:

D2 discloses that enzymes such as glyphosate oxidoreductase (para. [0052]) can be assayed using markers such as luciferase (para. [0053]) *in planta* (implicit from claims 1 and 24). However, D2 does not provide an indication of the other components needed to make the assay work. It leaves a technical gap in this respect. The generic disclosure in D2 ("two list principle": Glyphosate oxidoreductase is one of many possible enzymes and luciferase is one of many markers disclosed that would have to be combined) does not provide an incentive for the skilled person two modify the assays described in D1 and to fill the technical gap left by D2.

Subject-matter of claim 8 is novel and inventive. Claim 1 is more limited in scope than claim 8 and therefore is also novel and inventive. The kit of claim 21 is specifically adapted to the methods of claims 1 and 8 and also is novel and inventive in light of the prior art at hand.

Subject-matter of all claims is industrially applicable. The requirements of Article 33 (2)-(4) PCT are fulfilled.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

PATENT COOPERATION TREATY

PCT/US2010/026673

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)

(PCT Rule 44bis.1(c))

To:

HARNESS, DICKEY & PIERCE, P.L.C.
Attn: William A. Ziehler
7700 Bonhomme Avenue, Suite 400
St. Louis, MO 63105
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 22 September 2011 (22.09.2011)	
Applicant's or agent's file reference 5089-33/WO/P	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/026673	09 March 2010 (09.03.2010)	10 March 2009 (10.03.2009)

Applicant

MONSANTO TECHNOLOGY LLC et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

REVIEWED BY DOCKET
Atty RAT/BGP
DKT Verify

Matter No 5089-000033/WO/POA

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int

Form PCT/IB/326 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 5089-33/WO/P	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2010/026673	International filing date *(day/month/year)* 09 March 2010 (09.03.2010)	Priority date *(day/month/year)* 10 March 2009 (10.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MONSANTO TECHNOLOGY LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 13 September 2011 (13.09.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/026673	09.03.2010	10.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. C12Q1/26 C12Q1/66

Applicant
MONSANTO TECHNOLOGY LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Gündlach, Björn Telephone No. +31 70 340-4478

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/026673

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-23
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-23
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-23
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document(s):

D1 WO 92/00377 A1 (MONSANTO CO [US]) 9 January 1992 (1992-01-09) ; & US R E38 825 E1 (BARRY GERARD F [US] ET AL) 11 October 2005 (2005-10-11)cited in the application

D2 WO 2004/113555 A2 (ENZEYE INC [US]; WINTERBOER DENNY C [US]; THOMPSON KATIE A [US]) 29 December 2004 (2004-12-29)

D1 is regarded as being the prior art closest to the subject-matter of independent claim 1 and interrelated claim 8), and discloses:

Assays for measuring turn-over of glyphosate using glyphosate oxidoreductase. Three different ways of assaying are disclosed, namely based on an oxygen electrode, and two methods involving a HPLC step (page 11, para. 2 to p. 12, para. 1).

Subject-matter of claim 8 differs from D1 in that NADP+, FMN, a long chain fatty acid and luciferase are present (see fig. 1 for a flow scheme) and thus is novel..

The technical effect deriving from the technical difference is that *in planta* assays can be carried out.

The objective problem to be solved is: How to provide a system for detection of glyphosate that allows *in planta* assays to be carried out?

The solution is not obvious for the following reasons:

D2 discloses that enzymes such as glyphosate oxidoreductase (para. [0052]) can be assayed using markers such as luciferase (para. [0053]) *in planta* (implicit from claims 1 and 24). However, D2 does not provide an indication of the other components needed to make the assay work. It leaves a technical gap in this respect. The generic disclosure in D2 ("two list principle": Glyphosate oxidoreductase is one of many possible enzymes and luciferase is one of many markers disclosed that would have to be combined) does not provide an incentive for the skilled person two modify the assays described in D1 and to fill the technical gap left by D2.

Subject-matter of claim 8 is novel and inventive. Claim 1 is more limited in scope than claim 8 and therefore is also novel and inventive. The kit of claim 21 is specifically adapted to the methods of claims 1 and 8 and also is novel and inventive in light of the prior art at hand.

Subject-matter of all claims is industrially applicable. The requirements of Article 33 (2)-(4) PCT are fulfilled.

CLAIMS

What is claimed is:

1. A method for detecting glyphosate in plant tissue expressing glyphosate oxidoreductase (GOX) comprising:

contacting the plant tissue with an enzyme cocktail, the enzyme cocktail comprising oxidized nicotinamide adenine dinucleotide phosphate ($NADP^+$), flavin mononucleotide (FMN), flavin oxidoreductase, a long-chain fatty aldehyde, and luciferase; and

detecting light emission from the plant tissue.

2. The method of claim 1, wherein cellular enzymes in the plant tissue are inactivated by heating prior to the contacting.

3. The method of claim 1, wherein reduced nucleotides in the plant tissue are selectively removed by acid treatment prior to the contacting, the acid treatment comprising treating the plant tissue with acid and neutralizing the acid.

4. The method of claim 3, wherein the acid treatment comprises:

treating the plant tissue with HCl and ascorbic acid;

adding additional HCl to the plant tissue; and

neutralizing the plant tissue with NaOH and K_2HPO_4.

5. The method of claim 1, wherein detecting comprises measuring light emission during a discrete time interval.

6. The method of claim 1, wherein detecting light emission from the plant tissue comprises recording an image of the light emitted from the plant tissue.

7. The method of claim 1, further comprising comparing the light emitted from the plant tissue to the light emitted from at least one volume comprising a known amount of glyphosate, enzyme cocktail, and glyphosate oxidoreductase (GOX) to quantify the amount of glyphosate in the plant tissue.

8. A method for detecting glyphosate in a sample comprising:

contacting the sample with an enzyme cocktail, the enzyme cocktail comprising oxidized nicotinamide adenine dinucleotide phosphate ($NADP^+$), glyphosate oxidoreductase (GOX), flavin mononucleotide (FMN), flavin oxidoreductase, a long-chain fatty aldehyde, and luciferase; and

detecting light emission from the sample.

9. The method of claim 8, wherein the sample comprises a microorganism.

10. The method of claim 8, wherein the sample comprises water or soil.

11. The method of claim 8, wherein the sample comprises plant tissue.

12. The method of claim 8, wherein cellular enzymes in the sample are inactivated by heating prior to the contacting.

13. The method of claim 8, wherein reduced nucleotides in the sample are selectively removed by acid treatment prior to the contacting, the acid treatment comprising treating the sample with acid and neutralizing the acid.

14. The method of claim 13, wherein the acid treatment comprises:

treating the sample with HCl and ascorbic acid;

adding additional HCl to the sample; and

neutralizing the sample with NaOH and K_2HPO_4.

15. The method of claim 8, wherein detecting comprises measuring light emission during a discrete time interval.

16. The method of claim 8, wherein detecting light emission from the sample comprises recording an image of the light emitted from the sample.

17. The method of claim 8, further comprising comparing the light emitted from the sample to the light emitted from at least one volume comprising a known amount of glyphosate and the enzyme cocktail.

18. The method of claim 8, wherein the sample comprises a first plant tissue sample and a second plant tissue sample.

19. The method of claim 18, wherein the first and second plant tissue samples are from different plants.

20. The method of claim 19, wherein the first plant tissue sample is from a plant expressing glyphosate oxidoreductase (GOX) and the second plant tissue sample is from a plant not expressing glyphosate oxidoreductase (GOX).

21. A kit for quantifying glyphosate in plant tissue comprising:

oxidized nicotinamide adenine dinucleotide phosphate ($NADP^+$);

glyphosate oxidoreductase (GOX);

flavin mononucleotide (FMN);

flavin oxidoreductase;

a long-chain fatty aldehyde; and

luciferase.

22. The kit of claim 18, further comprising glyphosate.

23. The kit of claim 18, wherein the glyphosate oxidoreductase (GOX) is packaged separately from the oxidized nicotinamide adenine dinucleotide phosphate ($NADP^+$), flavin mononucleotide (FMN), flavin oxidoreductase, a long-chain fatty aldehyde, and luciferase.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
7700 BONHOMME AVENUE
SUITE 400
ST. LOUIS, MO 63105

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
Luis A. Jurado, et. al.
Application No.: 13/255,014
Filed: October 5, 2011
Attorney Docket No.: 5089-000033/US/NP
For: IMAGING GLYPHOSATE IN PLANT TISSUE

: DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of
Atsushi Oshio et al.
Application No.: 13/255,301
Filed: November 18, 2011
Attorney Docket No.: 086746-0032
For: OPTICAL DISC

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 18, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1) and (3-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2).

Regarding the requirement of condition (3), applicant has failed to submit a statement that the English translation of the claims is accurate. Therefore, since petitioner has not provide a statement of accuracy the request cannot be granted at this time.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

David Buccel
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Hasse & Nesbitt LLC
8837 Chapel Square Drive
Suite C
Cincinnati, OH 45249

MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of :
VELENZUELA et al. :
Application No.: 13/255,311 : DECISION ON PETITION
PCT No.: PCT/CL2010/000011 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 February 2010 :
Priority Date: 26 February 2009 :
Attorney Docket No.: HCL-048 :
For: MILKING SYSTEM FOR MAMMALS, PREFERABLY CATTLE, THAT DIFFERENTIATES WHEN THE MILK IS OVER, COMPRISING A COLLECTOR, TEAT CUPS AND HOSES

The petition to revive under 37 CFR 1.137(b) filed 08 September 2011 in the above-captioned application is hereby GRANTED as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/255,333	Filing date:	September 27, 2011
First Named Inventor:	Toshiyuki USHIDATE et al.		
Title of the Invention:	FILM SUPPLYING APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/052825

The international date of the corresponding PCT application(s) is/are: February 24, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/255,333
First Named Inventor:	Toshiyuki USHIDATE et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 sufficiently corresponds to PCT Claim 1
2	2	US Claim 2 sufficiently corresponds to PCT Claim 2
3	1	US Claim 3 sufficiently corresponds to PCT Claim 1
4	2	US Claim 4 sufficiently corresponds to PCT Claim 2

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature:	Date January 25, 2012
Name (Print/Typed) Eric D. Morehouse	Registration Number 38,565

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 23 2012
OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
Toshiyuki USHIDATE et al.
Application No. 13/255,333
Filed: August 27, 2011
Atty. Docket No.: 150451
For: FILM SUPPLYING APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN PCT-PPH PROGRAM
: AND PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (2), and (4) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (3).

Regarding requirement (3), applicant has failed to provide a statement that the English translation is accurate.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Toshiyuki USHIDATE et al.

Application No.: 13/255,333

Filed: September 27, 2011 Docket No.: 150451

For: FILM SUPPLYING APPARATUS

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PCT-PPH PROGRAM AND PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Request to Participate in PCT-PPH Program and Petition to Make Special, in which the request and petition were dismissed, for failure to submit a statement that the English-language translation of the claims is accurate, the required statement is attached hereto, along with a Request to Participate in PCT-PPH Program and Petition to Make Special.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements. The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated for this filing to Deposit Account No. 15-0461.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/hs

Date: March 23, 2012

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/255,333	Filing date:	September 27, 2011
First Named Inventor:	Toshiyuki USHIDATE et al.		
Title of the Invention:	FILM SUPPLYING APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/052825

The international date of the corresponding PCT application(s) is/are: February 24, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/255,333
First Named Inventor:	Toshiyuki USHIDATE et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 sufficiently corresponds to PCT Claim 1
2	2	US Claim 2 sufficiently corresponds to PCT Claim 2
3	1	US Claim 3 sufficiently corresponds to PCT Claim 1
4	2	US Claim 4 sufficiently corresponds to PCT Claim 2

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date March 23, 2012
Name (Print/Typed) Linda M. Saltiel	Registration Number 51,122

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

OLIFF & BERRIDGE, PLC

ATTORNEYS AT LAW

TRANSLATION VERIFICATION

I verify that I have reviewed the claims of PCT/JP2010/052825 and the original claims of U.S. Application Serial No.: 13/255,333, and that the original claims of U.S. Application Serial No.: 13/255,333 are a full and accurate translation of the claims of PCT/JP2010/052825.

March 21, 2012	Hirotsuna Yamashita	H. Yamashita
Date	**Printed Name**	**Signature**

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/255,340	Filing date:	September 8, 2011
First Named Inventor:	Yoshiaki SAITO		
Title of the Invention:	CONSTRUCTION VEHICLE PROVIDED WITH WORK EQUIPMENT		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054079

The international date of the corresponding PCT application(s) is/are: March 11, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/255,340
First Named Inventor:	Yoshiaki SAITO

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 8, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 8, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Sufficiently corresponds except for removal of reference numbers.
2	2	Sufficiently corresponds.
3	3	Sufficiently corresponds except for multiple dependency.
4	4	Sufficiently corresponds.
5	5	Sufficiently corresponds except for multiple dependency.
6	6	Sufficiently corresponds.
7	7	Sufficiently corresponds except for multiple dependency.
8	8	Sufficiently corresponds except for removal of reference numbers.
9	9	Sufficiently corresponds.
10	10	Sufficiently corresponds.
11	-	Cancelled
12	-	Cancelled
13	-	Cancelled
14	-	Cancelled
15	-	Cancelled
16	-	Cancelled
17	-	Cancelled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /David G. Posz/	Date January 18, 2012
Name (Print/Typed) David G. Posz	Registration Number 37,701

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference G20100013	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2010/054079	International filing date *(day/month/year)* 11 March 2010 (11.03.2010)	Priority date *(day/month/year)* 12 March 2009 (12.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KOMATSU LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 18 October 2011 (18.10.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	25.05.2010
Applicant's or agent's file reference G20100013	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054079	11.03.2010	12.03.2009

International Patent Classification (IPC) or both national classification and IPC
E02F9/22, F02D29/00, F16D48/02

Applicant
KOMATSU LTD.

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI — Certain documents cited
- [ ] Box No. VII — Certain defects in the international application
- [ ] Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054079

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into ..... , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054079

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2005-248697 A (Komatsu Ltd.), 15 September 2005, entire text; fig. 1 to 10 & DE 10-2005-005282 A & SE 0500238 A

Document 2: JP 61-155524 A (Hitachi Construction Machinery Co., Ltd.), 15 July 1986, entire text; fig. 1 to 3

Document 3: JP 2008-223858 A (TCM Corp.), 25 September 2008, entire text; fig. 1 to 11 & EP 2131072 A & WO 2008/120545 A1 & CN 101631973 A & KR 10-2009-0119972 A

The invention as in claims 1 to 7 is novel and involves an inventive step in relation to the documents cited in the ISR.

Documents 1 to 3 do not disclose "carrying out an attitude determination to determine whether or not the current attitude of the operating machine applies to a predetermined attitude in an attitude range" and "lowering the aforementioned travel drive force outputted from the aforementioned travel drive device under the condition in which all of the results of the aforementioned attitude determination, the aforementioned

travel determination, and the drive force determination are positive", and not even a person skilled in the art could easily conceive of that matter.

The invention as in claims 8 to 9 is novel and involves an inventive step in relation to the documents cited in the ISR.

Documents 1 to 3 do not disclose "an attitude determination means for carrying out an attitude determination of whether or not the current attitude of the operating machine for adding a construction operation to the operation target article, the attitude of which is variable within a predetermined attitude range, applies to a predetermined attitude in the aforementioned attitude range", and not even a person skilled in the art could easily conceive of that feature.

The invention as in claim 10 is novel and involves an inventive step in relation to the documents cited in the ISR.

Documents 1 to 3 do not disclose "carrying out an attitude determination of whether or not the current attitude of the operating machine for adding a construction operation to the operation object article, the attitude of which is variable within a predetermined attitude range, applies to a predetermined attitude in the aforementioned attitude range", and not even a person skilled in the art could easily conceive of that matter.

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

WILLFORT INTERNATIONAL
Kanda-Ogawamachi Tosei Bldg. II 7F, 3,
Kanda-Ogawamachi 3-chome, Chiyoda-ku, Tokyo
1010052
JAPON

Date of mailing *(day/month/year)* 22 September 2011 (22.09.2011)	
Applicant's or agent's file reference G20100013	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054079	11 March 2010 (11.03.2010)	12 March 2009 (12.03.2009)

Applicant
KOMATSU LTD. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
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特許協力条約

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ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	２５．０５．２０１０
出願人又は代理人の書類記号　620100013	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５４０７９	（日.月.年）　１１．０３．２０１０	（日.月.年）　１２．０３．２００９

国際特許分類（ＩＰＣ）Int.Cl. E02F9/22(2006.01)i, F02D29/00(2006.01)i, F16D48/02(2006.01)i

出願人（氏名又は名称）
株式会社小松製作所

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１１．０５．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　２Ｄ　３３０２ 加藤　範久 電話番号　０３－３５８１－１１０１　内線　３２４１

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４０７９

第１欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４０７９

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（Ｎ）	請求項	1-10	有
	請求項		無
進歩性（ＩＳ）	請求項	1-10	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-10	有
	請求項		無

２．　文献及び説明

文献１：JP 2005-248697 A（株式会社小松製作所）2005.09.15,
全文、図１－１０ & DE 10-2005-005282 A & SE 0500238 A

文献２：JP 61-155524 A（日立建機株式会社）1986.07.15,
全文、第１－３図

文献３：JP 2008-223858 A（ＴＣＭ株式会社）2008.09.25,
全文、図１－１１
& EP 2131072 A & WO 2008/120545 A1 & CN 101631973 A
& KR 10-2009-0119972 A

請求項１から７に係る発明は、国際調査報告で引用された文献に対して新規性、進歩性を有する。

文献１から３には「作業機の現在の姿勢が、姿勢範囲中の所定の姿勢に該当するか否か判別する姿勢判別を行い」「前記姿勢判別、前記走行判別及び駆動力判別のすべての結果が肯定的である状態下で、前記走行駆動装置から出力される前記走行駆動力を低下させる」点が記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

請求項８から９に係る発明は、国際調査報告で引用された文献に対して新規性、進歩性を有する。

文献１から３には「所定の姿勢範囲内でその姿勢が可変な、作業対象物に建設作業を加えるための作業機の現在の姿勢が、前記姿勢範囲中の所定の姿勢に該当するか否かの姿勢判別を行う姿勢判別手段」を備える点が記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

補充欄

いずれかの欄の大きさが足りない場合

第 Ｖ 欄の続き

請求項１０に係る発明は、国際調査報告で引用された文献に対して新規性、進歩性を有する。

文献１から３には「所定の姿勢範囲内でその姿勢が可変な、作業対象物に建設作業を加えるための作業機の現在の姿勢が、前記姿勢範囲中の所定の姿勢に該当するか否かの姿勢判別を行う」点が記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Inventor(s): Yoshiaki SAITO et al.
Application. No. 13/255,340
Filed: September 8, 2011
Title: CONSTRUCTION VEHICLE PROVIDED WITH WORK EQUIPMENT
Based on: PCT/JP2010/054079 filed on March 11, 2010

VERIFICATION OF TRANSLATION

The undersigned, of the below address, hereby declares that he is the translator of the claims of PCT/JP2010/054079 attached and certifies that the following is a true translation to the best of his knowledge and belief.

Signed this 12th Day of January, 2012

Translator's Signature: Takeshi Nakamura

Name: Takeshi Nakamura

Address: Kanda-Ogawamachi Tosei Bldg.II 7F,

3, Kanda-Ogawamachi 3-chome,

Chiyoda-ku, Tokyo, 101-0052 Japan

A copy of claims indicated as having novelty, inventive step and industrial applicability in PCT/JP2010/054079

PKM080238

DOCUMENT TITLE

CLAIMS

1. A construction vehicle comprising:
a propulsion device (138) that outputs propelling force;
a working equipment (106), whose attitude is variable within a predetermined attitude range, and that is for performing a construction task upon a subject of working; and
a controller (160) that controls said propulsion device;
wherein said controller:
performs attitude determination in which it is determined whether or not the present attitude of said working equipment corresponds to a predetermined attitude within said attitude range;
performs propulsion determination in which it is determined whether or not the present propulsive operation of said propulsion device corresponds to a predetermined propulsive operation that is performed when performing a predetermined construction task in which an over load is imposed upon said working equipment;
performs driving force determination in which it is determined whether or not the magnitude of the present propelling force outputted from said propulsion device corresponds to a predetermined magnitude for which, if a reaction force based upon a larger propelling force is imposed from a subject of working upon said working equipment, an over load will be imposed upon said working equipment; and
reduces the propelling force outputted from said propulsion device in the state in which the results of said attitude determination, said propulsion determination, and said driving force determination are all affirmative.

2. A construction vehicle according to Claim 1, wherein said

controller:
further performs tilt determination in which it is determined whether or not the present tilt angle of said construction vehicle corresponds to a predetermined angle for which there is no possibility that said construction task is being performed by said working equipment; and
reduces the propelling force outputted from said propulsion device in the state in which the results of said attitude determination, said propulsion determination, and said driving force determination are all affirmative, and moreover the result of said tilt determination is negative.

3. A construction vehicle according to either Claim 1 or Claim 2, wherein:
said propulsion device comprises a modulation clutch whose engagement amount can be variably adjusted, and is adapted to reduce said propelling force more, the more said engagement amount of said modulation clutch is decreased;
and, when reducing said propelling force in the state in which the results of said attitude determination, said propulsion determination, and said driving force determination are all affirmative, said controller:
determines a target engagement amount for said modulation clutch according to said present propelling force; and
reduces the engagement amount of said modulation clutch towards said target engagement amount.

4. A construction vehicle according to Claim 3, wherein said controller determines said target engagement amount so that said target engagement amount becomes lower, the larger is said present propelling force.

5. A construction vehicle according to either Claim 3 or Claim 4, wherein if, while the results of said attitude

determination, said propulsion determination, and said driving force determination are all affirmative, the result of any one of said attitude determination, said propulsion determination, and said driving force determination changes to negative, said controller raises the engagement amount of said modulation clutch towards its original engagement amount before it was decreased.

6. A construction vehicle according to Claim 1, wherein the rate of decrease when said controller decreases the engagement amount of said modulation clutch is higher than the rate of increase when said controller increases the engagement amount of said modulation clutch.

7. A construction vehicle according to any one of Claims 1 through 6, wherein:
said construction vehicle is a wheel loader;
said working equipment comprises a boom, a bucket, and a bucket cylinder;
said propulsion device comprises a transmission;
said predetermined attitude is said bucket being in its tilt end position and moreover the height position of said bucket being higher than a predetermined height; and
said predetermined propulsive operation is the speed stage of said transmission being a predetermined low speed forward speed stage, and moreover the forward speed of said wheel loader due to said propulsion device being less than or equal to a predetermined low speed.

8. A control device that controls a propulsion device that outputs propelling force, wherein said propulsion device comprises an adjustment device that can adjust said outputted propelling force on the basis of an input value that is inputted thereto, and said control device comprises:

a storage means (174) that stores an input value inputted to said adjustment device;

an attitude determination means (165) that performs attitude determination in which it is determined whether or not the present attitude of a working equipment whose attitude is variable within a predetermined attitude range, and that is for performing a construction task upon a subject of working, corresponds to a predetermined attitude within said attitude range;

a propulsion determination means (166) that performs propulsion determination in which it is determined whether or not the present propulsive operation of said propulsion device corresponds to a predetermined propulsive operation that is performed when performing a predetermined construction task in which an over load is imposed upon said working equipment;

a driving force determination means (167) that performs driving force determination in which it is determined whether or not the magnitude of the present propelling force outputted from said propulsion device corresponds to a predetermined magnitude for which, if a reaction force based upon a larger propelling force is imposed from a subject of working upon said working equipment, an over load will be imposed upon said working equipment; and

a driving force control decision means (164) that makes a decision as to whether or not to decrease said propelling force outputted from said propulsion device, on the basis of the results of said attitude determination, said propulsion determination, and said driving force determination;

a target value determination means (163) that determines a target value for said inputted value, if the result of the decision by said driving force decision means is affirmative; and

a driving force control means (161) that controls said propelling force outputted from said propulsion device by

determining an input value to be inputted to said adjustment device on the basis of the target value determined by said target value determination means and the input value stored in said storage means, and by inputting said input value that has been determined to said adjustment device.

9. A control device according to Claim 8, wherein:
said adjustment device is a clutch that can adjust the propelling force that it outputs on the basis of an inputted clutch pressure value;
said working equipment comprises a boom, a bucket, and a bucket cylinder; and
said attitude determination means performs said attitude determination on the basis of the angle of said boom and the angle subtended by said bucket and said boom.

10. A control method that controls a propulsion device that outputs propelling force, wherein said propulsion device comprises an adjustment device that can adjust said outputted propelling force on the basis of an input value that is inputted thereto, and in which:
said input value inputted to said adjustment device is stored;
attitude determination is performed, in which it is determined whether or not the present attitude of a working equipment whose attitude is variable within a predetermined attitude range, and that is for performing a construction task upon a subject of working, corresponds to a predetermined attitude within said attitude range;
performs propulsion determination in which it is determined whether or not the present propulsive operation of said propulsion device corresponds to a predetermined propulsive operation that is performed when performing a predetermined construction task in which an over load is imposed upon said working equipment;

performs driving force determination in which it is determined whether or not the magnitude of the present propelling force outputted from said propulsion device corresponds to a predetermined magnitude for which, if a reaction force based upon a larger propelling force is imposed from a subject of working upon said working equipment, an over load will be imposed upon said working equipment; and:

a decision is made as to whether or not to reduce the propelling force outputted from said propulsion device, on the basis of the results of said attitude determination, said propulsion determination, and said driving force determination are all affirmative;

if the result of said decision is affirmative, said target value for said input value is determined; and

an input value to be inputted to said adjustment device is determined on the basis of said target value that has been determined and on the basis of said stored input value, and said propelling force outputted from said propulsion device is controlled by inputting said input value that has been determined to said adjustment device.

請求の範囲

[請求項1] 走行駆動力を出力する走行駆動装置（１３８）と、

所定の姿勢範囲内でその姿勢が可変な、作業対象物に建設作業を加えるための作業機（１０６）と、

前記走行駆動装置を制御するコントローラ（１６０）と

を備えた建設車両において、

前記コントローラが、

前記作業機の現在の姿勢が、前記姿勢範囲中の所定の姿勢に該当するか否か判別する姿勢判別を行い、

前記走行駆動装置の現在の走行動作が、前記作業機に過大な負荷を与える所定の建設作業を行う場合に行われる所定の走行動作に該当するか否かを判別する走行判別を行ない、

前記走行駆動装置から出力される現在の走行駆動力の大きさが、それより大きい走行駆動力に基づく反力が作業対象物から前記作業機に加わったならば前記作業機に過大な負荷を与える所定の大きさに該当するか否かを判別する駆動力判別を行ない、

前記姿勢判別、前記走行判別及び前記駆動力判別のすべての結果が肯定的である状態下で、前記走行駆動装置から出力される前記走行駆動力を低下させる、

建設車両。

[請求項2] 請求項１記載の建設車両において、前記コントローラは、

前記建設車両の現在の傾斜角度が、前記作業機で前記建設作業が行われる可能性のない所定の角度に該当するか否かを判別する傾斜判別をさらに行い、

前記姿勢判別、前記走行判別及び前記駆動力判別のすべての結果が肯定的であり、且つ、前記傾斜判別の結果が否定的である状態下で、前記走行駆動装置から出力される前記走行駆動力を低下させる、

建設車両。

[請求項3] 請求項１又は２のいずれか一項記載の建設車両において、

前記走行駆動装置は、その係合度が可変調整可能なモジュレーションクラッチを有し、前記モジュレーションクラッチの前記係合度が低下するほど前記走行駆動力が低下するようになっており、

前記姿勢判別、前記走行判別及び前記駆動力判別の結果が肯定的である状態下で前記走行駆動力を低下させる場合、前記コントローラは、

前記現在の走行駆動力に応じて前記モジュレーションクラッチの目標係合度を決定し、

前記モジュレーションクラッチの係合度を、前記目標係合度へ向かって低下させる、

建設車両。

[請求項4] 請求項３記載の建設車両において、

前記コントローラは、前記現在の走行駆動力が大きいほど前記目標係合度が低くなるように、前記目標係合度を決定する、

建設車両。

[請求項5] 請求項３又は４のいずれか一項記載の建設車両において、

前記コントローラは、前記姿勢判別、前記走行判別及び前記駆動力判別のすべての結果が肯定的であったところ、前記姿勢判別、前記走行判別及び前記駆動力判別のいずれかの結果が否定的に変化したならば、前記モジュレーションクラッチの係合度を、低下させる前の元の係合度へ向かって上昇させる、

建設車両。

[請求項6] 請求項５記載の建設車両において、

前記コントローラが前記モジュレーションクラッチの係合度を低下させるときの低下率の方が、前記コントローラが前記モジュレーションクラッチの係合度を上昇させるときの上昇率より高い、

建設車両。

[請求項7] 請求項１～６のいずれか一項記載の建設車両において、

前記建設車両は、ホイールローダであり、

前記作業機は、ブームと、バケットと、バケットシリンダとを有し、

前記走行装置は、トランスミッションを有し、

前記所定の姿勢は、前記バケットがチルトエンド位置にあり、且つ、前記バケットの高さ位置が所定の高さより高いことであり、

前記所定の走行動作が、前記トランスミッションの速度段が所定の低速前進速度段であり、且つ、前記走行装置による前記ホイールローダの前進速度が所定の低速度以下である、

建設車両。

[請求項8] 走行駆動力を出力する走行駆動装置を制御する制御装置であって、

前記走行駆動装置は、入力された入力値に基づいて前記出力する走行駆動力を調節可能な調節装置を有し、

前記制御装置は、

前記調節装置に入力された入力値を記憶する記憶手段（１７４）と、

所定の姿勢範囲内でその姿勢が可変な、作業対象物に建設作業を加えるための作業機の現在の姿勢が、前記姿勢範囲中の所定の姿勢に該当するか否かの姿勢判別を行う姿勢判別手段（１６５）と、

前記走行駆動装置の現在の走行動作が、前記作業機に過大な負荷を与える所定の建設作業を行う場合に行われる所定の走行動作に該当するか否かの走行判別を行う走行判別手段（１６６）と、

前記走行駆動装置から出力される現在の走行駆動力の大きさが、それより大きい走行駆動力に基づく反力が作業対象物から作業機に加わったならば作業機に過大な負荷を与える所定の大きさに該当するか否かの駆動力判別を行う駆動力判別手段（１６７）と、

前記姿勢判別、前記走行判別及び前記駆動力判別の結果に基づいて

、前記走行駆動装置から出力される前記走行駆動力を低下させるか否かを判定する駆動力制御判定手段（１６４）と、

前記駆動力判定手段の判定結果が肯定的である場合、前記入力値の目標値を決定する目標値決定手段（１６３）と、

前記目標値決定手段により決定された目標値と、前記記憶手段に記憶されている入力値とに基づいて、前記調節装置に入力する入力値を決定し、前記決定した入力値を前記調節装置に入力することにより、前記走行駆動装置から出力される前記走行駆動力を制御する駆動力制御手段（１６１）と、

を備える制御装置。

[請求項9] 前記調節装置は、入力されたクラッチ圧値に基づいて前記出力する走行駆動力を調節可能なクラッチであり、

前記作業機は、ブームと、バケットと、バケットシリンダとを有し、

前記姿勢判別手段は、前記ブームの角度と、前記バケットと前記ブームとのなす角度とに基づいて前記姿勢判別を行う、

請求項８記載の制御装置。

[請求項10] 走行駆動力を出力する走行駆動装置を制御する制御方法であって、

前記走行駆動装置は、入力された入力値に基づいて前記出力する走行駆動力を調節可能な調節装置を有し、

前記調節装置に入力された入力値を記憶しており、

所定の姿勢範囲内でその姿勢が可変な、作業対象物に建設作業を加えるための作業機の現在の姿勢が、前記姿勢範囲中の所定の姿勢に該当するか否かの姿勢判別を行い、

前記走行駆動装置の現在の走行動作が、前記作業機に過大な負荷を与える所定の建設作業を行う場合に行われる所定の走行動作に該当するか否かの走行判別を行い、

前記走行駆動装置から出力される現在の走行駆動力の大きさが、そ

れより大きい走行駆動力に基づく反力が作業対象物から作業機に加わったならば作業機に過大な負荷を与える所定の大きさに該当するか否かの駆動力判別を行い、

前記姿勢判別、前記走行判別及び前記駆動力判別の結果に基づいて、前記走行駆動装置から出力される前記走行駆動力を低下させるか否かを判定し、

前記判定結果が肯定的である場合、前記入力値の目標値を決定し、

前記決定された目標値と、前記記憶されている入力値とに基づいて、前記調節装置に入力する入力値を決定し、前記決定した入力値を前記調節装置に入力することにより、前記走行駆動装置から出力される前記走行駆動力を制御する、

制御方法。

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www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of	:
Yoshiaki Saito, et. al.	: DECISION ON REQUEST TO
Application No.: 13/255,340	: PARTICIPATE IN THE PATENT
Filed: September 8, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 99_021_TN	: PROGRAM AND PETITION
For: CONSTRUCTION VEHICLE	: TO MAKE SPECIAL UNDER
PROVIDED WITH WORK EQUIPMENT	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 18, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:	13/255,399	Filing date:	September 8, 2011
First Named Inventor:	Niklas AGEVIK		
Title of the Invention:	METHOD AND APPARATUS FOR VERIFICATION OF A TELEPHONE NUMBER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/SE2009/050897

The international filing date of the corresponding PCT application(s) is/are: JULY 14, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO

(continued)

Application No.:	371 of PCT/SE2009/050897
First Named Inventor:	Niklas AGEVIK

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 8, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 8, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Application claims, 1-16 and 18-19 have the same or
2	2	similar scope to claims 1-16 and 18-19 of the PCT Application
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
18	18	
19	19	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date Sept. 9, 2011
Name (Print/Typed) Brian S. Rosenbloom	Registration Number 41,276

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/255,399	09/08/2011	Niklas Agevik	3602-0336	6674

6449 7590 11/16/2011
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of
AGEVIK et al.

Application No.: 13/255,399	**: DECISION ON REQUEST TO**
Filed: 08 September 2011	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 3602-0336	**: PROSECUTION HIGHWAY**
For: METHOD AND APPARATUS FOR	**: PROGRAM AND PETITION**
VERIFICATION OF A TELEPHONE	**: TO MAKE SPECIAL UNDER**
NUMBER	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 09 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3-5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding requirement (6), applicant has failed to provide a copy of Written Opinion (PCT/ISA/237).

Regarding requirement (2), it cannot be determined whether requirement (2) has been met since applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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ROTHWELL, FIGG, ERNST
& MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of
AGEVIK, et al
Application No.: 13/255,399
Filed: September 8, 2011
Attorney Docket No.: 3602-0336
For: METHOD AND APPARATUS FOR VERIFICATION OF A TELEPHONE NUMBER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 9, 2011, and renewed November 29, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, Austria, Australia, Russia, Spain, Sweden, Finland, China, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center AU 2617 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/255,421	Filing date:	September 8, 2011
First Named Inventor:	Chana W. Evans et al.		
Title of the Invention:	METHODS FOR REMOVING VICINAL DIOLS FROM LACTIC ACID FERMENTATION BROTH		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/025212

The international filing date of the corresponding PCT application(s) is/are: February 24, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,421
First Named Inventor:	Chana W. Evans et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 1, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on December 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-5	1-5	Identical
6	6	US claim 6 has been amended to correct antecedent basis issues
7	7	Identical
8-11	8-11	US claims 8-11 have been amended to correct antecedent basis issues
12	12	Identical
13-16	13-16	US claims 13-16 have been amended to correct antecedent basis issues
17-18	17-18	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Elizabeth W. Baio, Reg. No. 62744/	Date January 17, 2012
Name (Print/Typed) Elizabeth W. Baio	Registration Number 62744

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference DOC 0142 PB	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2010/025212	International filing date *(day/month/year)* 24 February 2010 (24.02.2010)	Priority date *(day/month/year)* 09 March 2009 (09.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant DOW CORNING CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 13 September 2011 (13.09.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Lingfei Bai e-mail: pt02.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/025212	24.02.2010	09.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. B01D15/00 B01J20/32 C12P7/56 C07C29/76

Applicant
DOW CORNING CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Hilgenga, Klaas Telephone No. +31 70 340-2072

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/025212

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-18
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-18
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1 DATABASE WPI Week 200907 Thomson Scientific, London, GB; AN 2009-B11836 XP002590108 & CN 101 274 876 A (UNIV NANJING POLYTECHNIC) 1 October 2008 (2008-10-01)

D2 GUENZEL B ET AL: "Adsorption von Diolen aus Fermentationsmedien an hydrophobe Zeolithe" CHEMIE INGENIEUR TECHNIK, WILEY VCH. VERLAG, WEINHEIM, DE LNKD- DOI:10.1002/CITE.330620912, vol. 62, no. 9, 1 September 1990 (1990-09-01) , pages 748-750, XP002162859 ISSN: 0009-286X

D3 WO 00/17378 A2 (IMI TAMI [IL]; BEN YOSEPH ELIAHU [IL]; WAJC SAMUEL J [IL]; KOGAN LENI) 30 March 2000 (2000-03-30)

D4 JP 51 012990 A (KOJIN KK) 31 January 1976 (1976-01-31)

D5 EP 2 017 347 A1 (BIO ENERGY CORP [JP]; UNIV OSAKA [JP]) 21 January 2009 (2009-01-21)

D6 WO 96/41021 A1 (CHRONOPOL INC [US]) 19 December 1996 (1996-12-19)

D7 US 5 426 219 A (LEHNHARDT WILLIAM F [US] ET AL) 20 June 1995 (1995-06-20)

2 **D1** (see WPI abstract) is regarded as being the prior art closest to the subject-matter of claim 1, and discloses a method of removing vicinal diols such as 2,3-butanediol from a fermentation broth comprising:

contacting the fermentation broth with an hydrophobic zeolite to bind the vicinal diols to the zeolite; and

separating the contacted fermentation broth from the hydrophobic zeolite to remove the vicinal diols.

The subject-matter of claim 1 thus differs from this known process in that a silica functionalized with an hydrophobic ligand is used for binding the vicinal diols and that the fermentation broth is a lactic acid fermentation broth. The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide a method for improving the separation and removal of vicinal diols such as 2,3-butanediol from lactic acid.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Document D1 taken alone or in combination with the further cited documents of the international search report do not mention or suggest that a silica functionalized with an hydrophobic ligand improves the separation and removal of vicinal diols from lactic acid by increasing the binding capacity for vicinal diols over lactic acid.

3 Claims 2-18 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

5 CLAIMS

1. A method of removing vicinal diols from a lactic acid fermentation broth comprising:

contacting the lactic acid fermentation broth with functionalized silica comprising at
10 least one hydrophobic ligand to facilitate binding of vicinal diols to the hydrophobic ligand; and

separating the contacted lactic acid fermentation broth from the functionalized silica to remove vicinal diols.

2. The method of claim 1 wherein the vicinal diols comprise 2,3 diols.

15 3. The method of claim 1 wherein the vicinal diols comprise 2,3 butanediol.

4. The method of claim 1 wherein the separating occurs via filtration, decantation, screening, centrifuging, or combinations thereof.

5. The method of claim 1 wherein the hydrophobic ligand comprises at least one hydrocarbon chain.

20 6. The method of claim 1 wherein the hydrocarbon chain is a C_4 to a C_{18} hydrocarbon chain.

7. The method of claim 1 wherein the hydrophobic ligand is a C_8 hydrocarbon chain.

8. The method of claim 1 wherein the silica is an amorphous silica.

9. The method of claim 1 wherein the amorphous silica of biogenic origin.

25 10. The method of claim 1 wherein the amorphous silica comprises rice hull ash, oat bran ash, wheat chaff ash, or combinations thereof.

11. The method of claim 1 wherein the silica comprises high-pressure liquid chromatography (HPLC) grade silica.

12. The method of claim 1 further comprising utilizing the functionalized silica to remove microorganisms from the lactic acid fermentation broth.

13. The method of claim 1 wherein the functionalized silica comprises silane which reacts with silica on the silica surface.

14. The method of claim 1 wherein the silane comprises hydrolyzable moiety selected from the group consisting of alkoxy, halogen, hydroxy, aryloxy, amino, amide, methacrylate, mercapto, carbonyl, urethane, pyrrole, carboxy, cyano, aminoacyl, acylamino, alkyl ester, and aryl ester.

15. The method of claim 1 wherein the silane comprises alkoxysilane.

16. The method of claim 1 wherein the silane has an additional moiety selected from the group consisting of quaternary ammonium, aryl, epoxy, amino, urea, methacrylate, imidazole, carbonyl, isothiorium, sulfonate, phosphonate, urethane, ureido, isocyano, sulfhydryl, carboxylate, carbonyl, amide, carbonyl, urethane, pyrrole, and ionic moiety.

17. The method of claim 1 wherein at least 40% of the vicinal diols is removed from the lactic acid fermentation broth.

18. The method of claim 1 wherein at least 20% of the vicinal diols is removed from the lactic acid fermentation broth.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nixon Peabody
300 S. Riverside Plaza, 16th Floor
Chicago, IL 60606

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of	:
Chana W. Evans, et. al.	:
Application No.: 13/255,421	: DECISION ON REQUEST TO
Filed: September 8, 2011	: PARTICIPATE IN THE PATENT
Attorney Docket No.: 247166-36USPX/DC10817	: PROSECUTION HIGHWAY
For: METHODS FOR REMOVING VICINAL DIOLS FROM LACTIC ACID FERMENTATION BROTH	: PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 17, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/255,422	Filing date:	September 8, 2011
First Named Inventor:	Ronald Kim		
Title of the Invention:	Device and Method for Dosing or Shutting off Primary Combustion Air in the Primary Heating Room of Horizontal Coke-Oven Chambers		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/000896

The international filing date of the corresponding PCT application(s) is/are: February 13, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,422
First Named Inventor:	Ronald Kim

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 16, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	1	Rewritten in U.S. format
21	2	Rewritten in U.S. format
22	3	Rewritten in U.S. format and to eliminate multiple dependencies
23	4	Rewritten in U.S. format and to eliminate multiple dependencies
24	5	Rewritten in U.S. format and to eliminate multiple dependencies
25	6	Rewritten in U.S. format
26	7	Rewritten in U.S. format and to eliminate multiple dependencies
27	8	Rewritten in U.S. format and to eliminate multiple dependencies
28	9	Rewritten in U.S. format and to eliminate multiple dependencies
29	10	Rewritten in U.S. format and to eliminate multiple dependencies
30	11	Rewritten in U.S. format and to eliminate multiple dependencies
31	12	Rewritten in U.S. format and to eliminate multiple dependencies
32	13	Rewritten in U.S. format
33	14	Rewritten in U.S. format
34	15	Rewritten in U.S. format
35	16	Rewritten in U.S. format and to eliminate multiple dependencies
36	17	Rewritten in U.S. format and to eliminate multiple dependencies
37	18	Rewritten in U.S. format and to eliminate multiple dependencies
38	19	Rewritten in U.S. format and to eliminate multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date November 21, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
JAN 30 2012
OFFICE OF PETITIONS

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of
KIM, et al
Application No.: 13/255,422
Filed: September 8, 2011
Attorney Docket No.: UHDE0108PUSA
For: DEVICE AND METHOD FOR DOSING OR SHUTTING OFF PRIMARY COMBUSTION AIR IN PRIMARY HEATING ROOM OF HORIZONTAL COKE-JOVEN CHAMBERS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center Art Unit 1773 for action on the merits commensurate with this decision.

Thurman K. Page

David A. Bucci
Petitions Examiner
Office of Petitions

PATENT
Customer No. 22,852
Attorney Docket No. 05435.0113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase Application of International Application No. PCT/JP2010/055785 of:	)	Group Art Unit: Not Yet Assigned
Kazuki SAWADA	)	Examiner: Not Yet Assigned
Application No.: Not Yet Assigned	)	Confirmation No.: Not Yet Assigned
Filed: September 8, 2011	)	
For: VEHICLE SUNROOF DEVICE	)	

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR PARTICIPATION IN AND TO MAKE U.S. APPLICATION SPECIAL UNDER THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM

Applicant hereby requests participation in the Patent Cooperation Treaty - Patent Patent Prosecution Highway (PCT-PPH) Pilot Program and petitions to make the above-identified application special under the PCT-PPH pilot program.

As required by the "Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products," dated January 23, 2010 by David J. Kappos, Applicant submits that this U.S. application is a national stage application of the corresponding PCT application, and attaches (1) a Request/Petition Form PTO/SB/20PCT-JP with a claims correspondence table; (2) the latest work product in

the International Phase of the corresponding PCT application (*i.e.*, the Written Opinion mailed on July 13, 2010 in PCT/JP2010/055785), with an English translation thereof; (3) a listing of all claims which were indicated as having novelty, inventive step, and industrial applicability in the latest work product in the International Phase of the corresponding PCT application, with an English translation thereof and a statement that the English translation is accurate; (4) a Preliminary Amendment with amendments to the pending U.S. claims to make them sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the latest work product in the International Phase of the corresponding PCT application; and (5) an Information Disclosure Statement.

Please charge any required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 8, 2011

By: _____
James W. Edmondson
Reg. No. 33,871

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	Not Yet Assigned	Filing date:	September 8, 2011
First Named Inventor:	Kazuki SAWADA		
Title of the Invention:	VEHICLE SUNROOF DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/055785

The international date of the corresponding PCT application(s) is/are: March 31, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Kazuki SAWADA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. claim 1 substantially corresponds to PCT claim 1
2	2	U.S. claim 1 substantially corresponds to PCT claim 2
3	3	U.S. claim 1 substantially corresponds to PCT claim 3
4	4	U.S. claim 1 substantially corresponds to PCT claim 4, except
		U.S. claim 4 is not a multiple dependent claim
5	5	U.S. claim 1 substantially corresponds to PCT claim 5
6	6	U.S. claim 1 substantially corresponds to PCT claim 6
7	7	U.S. claim 1 substantially corresponds to PCT claim 7, except
		U.S. claim 7 is not a multiple dependent claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature JWEdm	Date September 8, 2011
Name (Print/Typed) James W. Edmondson	Registration Number 33,876

STATEMENT OF ACCURATE TRANSLATION

I, Akira Yamada, hereby state that I am knowledgeable in the Japanese and English languages and that the attached document is, to the best of my knowledge and belief, a true and accurate English translation of the Written Opinion of the International Searching Authority issued in the International Application No. PCT/JP2010/055785 and of the claims attached to that Written Opinion of the International Searching Authority.

August 30, 2011

Date

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
恩田　博宣　様

恩田 10.7.14 特許

あて名
〒500-8731
日本国岐阜県岐阜市大宮町２丁目１２番地の１

PCT
国際調査機関の見解書
（法施行規則第40条の2）
［PCT規則43の2.1］

発送日 （日.月.年）	１３．０７．２０１０
出願人又は代理人 の書類記号　P3S2010294	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2010／055785	（日.月.年）３１．０３．２０１０	（日.月.年）２７．０４．２００９

国際特許分類（IPC）Int.Cl. B60J7/05(2006.01)i, B60J7/02(2006.01)i

出願人（氏名又は名称）
アイシン精機　株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

３．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
２８．０６．２０１０

名称及びあて先 日本国特許庁（ISA／JP） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 石川　健一 電話番号　０３－３５８１－１１０１　内線　３３４１	３D　３５０７

国際調査機関の見解書

国際出願番号 PCT／JP2010／055785

第Ⅰ欄 見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文（PCT規則12.3(a)及び23.1(b)）

2．☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（PCT規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a．提出手段 ☐ 紙形式

☐ 電子形式

b．提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2010／055785

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	1-7	有
	請求項		無
進歩性（IS）	請求項	1-7	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-7	有
	請求項		無

2. 文献及び説明

文献1：JP 2001-47867 A（イナルファ・インドゥストゥリース・ベーフェー）2001.02.20, 図1－5 & US 6325453 B1 & EP 1070614 A1 & EP 1500540 A1

文献2：JP 2001-146114 A（アイシン精機株式会社）2001.05.29, 図2, 3 & US 6390545 B1 & DE 10057012 A1

文献3：JP 2005-153803 A（アイシン精機株式会社）2005.06.16, 図1－10 & US 2005/0127719 A1 & US 2007/0013210 A1 & EP 1535780 A2

【請求の範囲1－7について】

「後側摺動部材に設けられたチェック解除機構を備え、チェック解除機構は、チルトアップ状態において、可動パネルの作動を伴わない後側摺動部材の更なる車両前方への移動により係合状態に切り替わり、その係合状態では、チェック解除機構は、その後の後側摺動部材の車両後方への移動によってチェック機構を移動可能状態に切り替えつつチェック機構を一体で移動させ、チェック解除機構は、係合状態において、可動パネルの作動を伴わない後側摺動部材の更なる車両前方への移動により、チェック機構から解放される係合解除状態に切り替わる」点は、国際調査報告で引用された文献1－3のいずれにも、記載も示唆もされていないし、当業者にとって自明なことでもない。

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

ONDA Hironori
12-1, Ohmiya-cho 2-chome
Gifu-shi, Gifu 5008731
JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	13. 07. 2010
Applicant's or agent's file reference P3S2010294	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/055785	31. 03. 2010	27. 04. 2009

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. B60J7/05(2006.01)i, B60J7/02(2006.01)i

Applicant
AISIN SEIKI KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japan Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915 Facsimile No.	28. 06. 2010	Kenichi Ishikawa Telephone No. 03-3581-1101Ext.3341

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/055785

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2010/055785

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. **Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. **Citations and explanations:**

Document 1 : JP 2001-47867 A (Inalfa Industries B. V.) 2001.02.20, Figs. 1-5 _ US 6325453 B1 EP 1070614 A1 _EP 1500540 A1

Document 2 : JP 2001-146114 A (AISIN SEIKI KABUSHIKI KAISHA) 2001. 05. 29, Figs. 2, 3 US 6390545 B1 _DE 10057012 A1

Document 3 : JP 2005-153803 A (AISIN SEIKI KABUSHIKI KAISHA) 2005. 06. 16, Figs. 1-10 US 2005/0127719 A1 _US 2007/0013210 A1 EP 1535780 A2

[With respect to Claims 1-7]

"A [[a]] check cancellation mechanism arranged on the rear slide member, wherein the check cancellation mechanism, in the tilt-up state, is switched to an engaged state as the slide member further moves toward the front of the vehicle without moving the movable panel, and the check cancellation mechanism, in the engaged state, integrally moves the check mechanism as subsequent movement of the rear slide member toward the rear of the vehicle switches the check mechanism to the movable state, and as the rear slide member further moves toward the front of the vehicle without moving the movable panel in the engaged state, the check cancellation mechanism is switched to a disengaged state and released from the check mechanism" is not described and suggested in Documents 1-3, which are cited in the International Search Report, and also not obvious for the person skilled in the art.

請求の範囲

[請求項1] 車両の屋根部に形成された開口部を開閉する可動パネルと、

前記開口部の車両幅方向における両縁部に設けられ、車両前後方向に沿って延在するガイドレールと、

前記可動パネルの車両幅方向における両縁部の後側部位に連係されて、前記ガイドレールに沿って車両前後方向に移動自在に設けられる後側摺動部材と、

前記後側摺動部材を移動させる電気的駆動源と、

前記可動パネルの前記両縁部の前側部位に揺動自在に係止されるチェック機構であって、車両前後方向において前記後側摺動部材よりも前方の所定位置に保持される移動不能状態及び前記所定位置から車両後方への移動が許容される移動可能状態に選択的に切り替えられる前記チェック機構とを備え、

前記可動パネルの全閉状態において、前記後側摺動部材が前記ガイドレールに沿って車両前方に移動することによって、前記可動パネルは、前記移動不能状態にある前記チェック機構に係止されている前記前側部位を支点にその後側が上昇し、それによってチルトアップ状態に移行する車両用サンルーフ装置において、

前記後側摺動部材に設けられたチェック解除機構を備え、

前記チェック解除機構は、前記チルトアップ状態において、前記可動パネルの作動を伴わない前記後側摺動部材の更なる車両前方への移動により係合状態に切り替わり、その係合状態では、前記チェック解除機構は、その後の前記後側摺動部材の車両後方への移動によって前記チェック機構を前記移動可能状態に切り替えつつ前記チェック機構を一体で移動させ、

前記チェック解除機構は、前記係合状態において、前記可動パネルの作動を伴わない前記後側摺動部材の更なる車両前方への移動により、前記チェック機構から解放される係合解除状態に切り替わるサンル

ーフ装置。

[請求項2] 前記チェック解除機構はガイド突部を有し、前記サンルーフ装置はさらに、

前記チェック機構の移動不能状態において、前記後側摺動部材の車両前方への移動に伴い前記チェック解除機構が前記係合状態に切り替わる際に、前記ガイド突部の進入を許容する第１経路と、

前記第１経路の前端に連通され、前記ガイド突部が進入することで前記チェック解除機構を前記係合解除状態に切り替える第２経路と、

前記第１経路及び前記第２経路の連通部において前記ガイド突部を前記第１経路から前記第２経路へと移動するように付勢する付勢部材とを備える請求項１に記載のサンルーフ装置。

[請求項3] 前記チェック機構が、前記第１経路と前記第２経路と前記付勢部材とを有する請求項２に記載の車両用サンルーフ装置。

[請求項4] 前記チェック機構は係合溝を有し、

前記チェック解除機構は係合突部を有し、その係合突部は、

前記後側摺動部材の車両前方への移動に伴い、前記移動不能状態にある前記チェック機構の前記係合溝を通過するとともに、

その後の前記後側摺動部材の車両後方への移動により前記係合溝に嵌入して、前記チェック機構を一体で移動させるように前記係合溝を押圧する請求項１～３のいずれか一項に記載のサンルーフ装置。

[請求項5] 前記チェック機構は、

前記ガイドレールに沿って車両前後方向に移動自在に設けられ、前記可動パネルに係止されるチェックブロックと、

前記係合溝を有して前記チェックブロックに回動自在に連結され、前記所定位置において前記ガイドレールに形成された係止部に係止される側に付勢されて前記移動不能状態を維持するチェックレバーとを有する請求項４に記載のサンルーフ装置。

[請求項6] 前記チェック機構は係合突部規制レバーを有し、その係合突部規制

レバーは、前記チェックレバーに回動自在に連結されるとともに、前記ガイドレールと係合する所定初期位置に保持されるように付勢力を受け、

前記係合突部は、前記後側摺動部材の車両前方への移動に伴い前記付勢力に抗して前記係合突部規制レバーを回動させて前記係合溝を通過するとともに、その後の前記後側摺動部材の車両後方への移動により前記係合突部規制レバーを介して該係合突部規制レバーに係合する前記ガイドレールを押圧して前記チェックレバーを前記係止部から解放する請求項５に記載のサンルーフ装置。

[請求項7] 前記後側摺動部材の車両前後方向の位置を検出する位置検出部と、

前記後側摺動部材の車両前後方向の位置に基づき、前記電気的駆動源を駆動制御する制御部とを備え、

前記制御部は、前記チェック解除機構が前記係合状態から前記係合解除状態に切り替わる範囲であって前記可動パネルの作動を伴わない車両前後方向の範囲を前記後側摺動部材が移動するとき、前記電気的駆動源の停止を禁止する請求項１～６のいずれか一項に記載のサンルーフ装置。

Claims in PCT Application

1. A vehicle sunroof device comprising:

a movable panel that opens and closes an opening formed in a roof of a vehicle;

a guide rail arranged on two edges of the opening in a widthwise direction of the vehicle, wherein the guide rail extends in front and rear directions of the vehicle;

a rear slide member linked to two edges at a rear portion of the movable panel in the widthwise direction and arranged to be movable along the guide rail in the front and rear directions of the vehicle;

an electric drive source that moves the rear slide member;

a check mechanism hooked to two edges at a front portion of the movable panel in a swingable manner, wherein the check mechanism is selectively switched between an immovable state, in which the check mechanism is held at a predetermined position frontward from the rear slide member in the front and rear directions of the vehicle, and a movable state, in which the check mechanism is allowed to move toward the rear of the vehicle from the predetermined position, and wherein when the movable panel is in a fully closed state, the rear slide member moves along the guide rail toward the front of the vehicle to lift the movable panel at its rear side about the front portion hooked to the check mechanism in the immovable state and thereby shift the movable panel to a tilt-up state; and

a check cancellation mechanism arranged on the rear slide member, wherein

the check cancellation mechanism, in the tilt-up state, is switched to an engaged state as the slide member further moves toward the front of the vehicle

without moving the movable panel, and the check cancellation mechanism, in the engaged state, integrally moves the check mechanism as subsequent movement of the rear slide member toward the rear of the vehicle switches the check mechanism to the movable state, and

as the rear slide member further moves toward the front of the vehicle without moving the movable panel in the engaged state, the check cancellation mechanism is switched to a disengaged state and released from the check mechanism.

2. The sunroof device according to claim 1, wherein the check cancellation mechanism includes a projection, and the sunroof device further comprises:

a first channel that allows entrance of the guide projection in the immovable state of the check mechanism when the check cancellation mechanism switches to the engaged state as the rear slide member moves toward the front of the vehicle;

a second channel in communication with a front end of the first channel, wherein the second channel switches the check cancellation mechanism to the disengaged state when the guide projection enters; and

an urging member that urges and moves the guide projection from the first channel to the second channel in a communication portion of the first channel and the second channel.

3. The vehicle sunroof device according to claim 2, wherein the check mechanism includes the first channel, the second channel, and the urging member.

4. The vehicle sunroof device according to any one of

claims 1 to 3, wherein

the check mechanism includes an engagement groove, and

the check cancellation mechanism includes an engagement projection, wherein

the engagement projection passes the engagement groove of the check mechanism in the immovable state as the rear slide member moves toward the front of the vehicle, and

the engagement projection is fitted to the engagement groove by subsequent movement of the rear slide member toward the rear of the vehicle and presses the engagement groove to integrally move the check mechanism.

5. The sunroof device according to claim 4, wherein the check mechanism includes:

a check block hooked to the movable panel and arranged to be movable along the guide rail in the front and rear directions of the vehicle; and

a check lever including the engagement groove and pivotally coupled to the check block, wherein the check lever is urged toward and hooked to a hooking portion formed in the guide rail at the predetermined position to maintain the immovable state.

6. The sunroof device according to claim 5, wherein

the check mechanism includes an engagement projection restriction lever, wherein the engagement projection restriction lever is pivotally coupled to the check lever, and the engagement projection restriction lever is held at a predetermined initial position engaging the guide rail when receiving urging force; and

the engagement projection pivots the engagement

projection restriction lever against the urging force and passes the engagement groove as the rear slide member moves toward the front of the vehicle, and subsequent movement of the rear slide member toward the rear of the vehicle pushes, with the engagement projection restriction lever, the guide rail, which is engaged with the engagement projection restriction lever, and releases the check lever from the hooking portion.

7. The sunroof device according to any one of claims 1 to 6, comprising:

a position detector that detects the position of the rear slide member in the front and rear directions of the vehicle; and

a control unit that controls and drives the electric drive source based on the position of the rear slide member in the front and rear directions of the vehicle, wherein the control unit prohibits deactivation of the electric drive source when the check cancellation mechanism is in a range switched from the engaged state to the disengaged state and the rear slide member moves in a range in the front and rear directions of the vehicle without moving the movable panel.

STATEMENT OF ACCURATE TRANSLATION

I, Akira Yamada, hereby state that I am knowledgeable in the Japanese and English languages and that the attached document is, to the best of my knowledge and belief, a true and accurate English translation of the Written Opinion of the International Searching Authority issued in the International Application No. PCT/JP2010/055785 and of the claims attached to that Written Opinion of the International Searching Authority.

August 30, 2011

Date

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
恩田　博宣　様

恩田 10.7.14 特許

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PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 （日.月.年）	13. 07. 2010
出願人又は代理人 の書類記号　P3S2010294	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2010／055785	（日.月.年）　31. 03. 2010	（日.月.年）　27. 04. 2009

国際特許分類（IPC）Int.Cl. B60J7/05(2006.01)i, B60J7/02(2006.01)i

出願人（氏名又は名称）
アイシン精機　株式会社

1．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

2．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

3．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
28. 06. 2010

名称及びあて先 日本国特許庁（ISA／JP） 郵便番号100－8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官（権限のある職員） 石川　健一 電話番号　03－3581－1101　内線　3341	3D　3507

国際調査機関の見解書

国際出願番号 PCT／JP2010／055785

第Ⅰ欄 見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a．提出手段 ☐ 紙形式

☐ 電子形式

b．提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2010／055785

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	1-7	有
	請求項		無
進歩性（IS）	請求項	1-7	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-7	有
	請求項		無

2. 文献及び説明

文献1：JP 2001-47867 A（イナルファ・インドゥストゥリース・ベーフェー）2001.02.20, 図1－5 & US 6325453 B1 & EP 1070614 A1 & EP 1500540 A1

文献2：JP 2001-146114 A（アイシン精機株式会社）2001.05.29, 図2, 3 & US 6390545 B1 & DE 10057012 A1

文献3：JP 2005-153803 A（アイシン精機株式会社）2005.06.16, 図1－10 & US 2005/0127719 A1 & US 2007/0013210 A1 & EP 1535780 A2

【請求の範囲1－7について】

「後側摺動部材に設けられたチェック解除機構を備え、チェック解除機構は、チルトアップ状態において、可動パネルの作動を伴わない後側摺動部材の更なる車両前方への移動により係合状態に切り替わり、その係合状態では、チェック解除機構は、その後の後側摺動部材の車両後方への移動によってチェック機構を移動可能状態に切り替えつつチェック機構を一体で移動させ、チェック解除機構は、係合状態において、可動パネルの作動を伴わない後側摺動部材の更なる車両前方への移動により、チェック機構から解放される係合解除状態に切り替わる」点は、国際調査報告で引用された文献1－3のいずれにも、記載も示唆もされていないし、当業者にとって自明なことでもない。

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

ONDA Hironori
12-1, Ohmiya-cho 2-chome
Gifu-shi, Gifu 5008731
JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	13. 07. 2010
Applicant's or agent's file reference P3S2010294	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/055785	31. 03. 2010	27. 04. 2009

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. B60J7/05(2006.01)i, B60J7/02(2006.01)i

Applicant
AISIN SEIKI KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japan Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915 Facsimile No.	28. 06. 2010	Kenichi Ishikawa Telephone No. 03-3581-1101Ext.3341

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/055785

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
   a. (means)
   - [ ] on paper
   - [ ] in electronic form

   b. (time)
   - [ ] in the international application as filed
   - [ ] together with the international application in electronic form
   - [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2010/055785

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. **Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. **Citations and explanations:**

Document 1 : JP 2001-47867 A (Inalfa Industries B. V.) 2001.02.20, Figs. 1-5 _ US 6325453 B1 EP 1070614 A1 _EP 1500540 A1

Document 2 : JP 2001-146114 A (AISIN SEIKI KABUSHIKI KAISHA) 2001. 05. 29, Figs. 2, 3 US 6390545 B1 _DE 10057012 A1

Document 3 : JP 2005-153803 A (AISIN SEIKI KABUSHIKI KAISHA) 2005. 06. 16, Figs. 1-10 US 2005/0127719 A1 _US 2007/0013210 A1 EP 1535780 A2

[With respect to Claims 1-7]

"A [[a]] check cancellation mechanism arranged on the rear slide member, wherein the check cancellation mechanism, in the tilt-up state, is switched to an engaged state as the slide member further moves toward the front of the vehicle without moving the movable panel, and the check cancellation mechanism, in the engaged state, integrally moves the check mechanism as subsequent movement of the rear slide member toward the rear of the vehicle switches the check mechanism to the movable state, and as the rear slide member further moves toward the front of the vehicle without moving the movable panel in the engaged state, the check cancellation mechanism is switched to a disengaged state and released from the check mechanism" is not described and suggested in Documents 1-3, which are cited in the International Search Report, and also not obvious for the person skilled in the art.

請求の範囲

[請求項1] 車両の屋根部に形成された開口部を開閉する可動パネルと、

前記開口部の車両幅方向における両縁部に設けられ、車両前後方向に沿って延在するガイドレールと、

前記可動パネルの車両幅方向における両縁部の後側部位に連係されて、前記ガイドレールに沿って車両前後方向に移動自在に設けられる後側摺動部材と、

前記後側摺動部材を移動させる電気的駆動源と、

前記可動パネルの前記両縁部の前側部位に揺動自在に係止されるチェック機構であって、車両前後方向において前記後側摺動部材よりも前方の所定位置に保持される移動不能状態及び前記所定位置から車両後方への移動が許容される移動可能状態に選択的に切り替えられる前記チェック機構とを備え、

前記可動パネルの全閉状態において、前記後側摺動部材が前記ガイドレールに沿って車両前方に移動することによって、前記可動パネルは、前記移動不能状態にある前記チェック機構に係止されている前記前側部位を支点にその後側が上昇し、それによってチルトアップ状態に移行する車両用サンルーフ装置において、

前記後側摺動部材に設けられたチェック解除機構を備え、

前記チェック解除機構は、前記チルトアップ状態において、前記可動パネルの作動を伴わない前記後側摺動部材の更なる車両前方への移動により係合状態に切り替わり、その係合状態では、前記チェック解除機構は、その後の前記後側摺動部材の車両後方への移動によって前記チェック機構を前記移動可能状態に切り替えつつ前記チェック機構を一体で移動させ、

前記チェック解除機構は、前記係合状態において、前記可動パネルの作動を伴わない前記後側摺動部材の更なる車両前方への移動により、前記チェック機構から解放される係合解除状態に切り替わるサンル

ーフ装置。

[請求項2] 前記チェック解除機構はガイド突部を有し、前記サンルーフ装置はさらに、

前記チェック機構の移動不能状態において、前記後側摺動部材の車両前方への移動に伴い前記チェック解除機構が前記係合状態に切り替わる際に、前記ガイド突部の進入を許容する第１経路と、

前記第１経路の前端に連通され、前記ガイド突部が進入することで前記チェック解除機構を前記係合解除状態に切り替える第２経路と、

前記第１経路及び前記第２経路の連通部において前記ガイド突部を前記第１経路から前記第２経路へと移動するように付勢する付勢部材とを備える請求項１に記載のサンルーフ装置。

[請求項3] 前記チェック機構が、前記第１経路と前記第２経路と前記付勢部材とを有する請求項２に記載の車両用サンルーフ装置。

[請求項4] 前記チェック機構は係合溝を有し、

前記チェック解除機構は係合突部を有し、その係合突部は、

前記後側摺動部材の車両前方への移動に伴い、前記移動不能状態にある前記チェック機構の前記係合溝を通過するとともに、

その後の前記後側摺動部材の車両後方への移動により前記係合溝に嵌入して、前記チェック機構を一体で移動させるように前記係合溝を押圧する請求項１～３のいずれか一項に記載のサンルーフ装置。

[請求項5] 前記チェック機構は、

前記ガイドレールに沿って車両前後方向に移動自在に設けられ、前記可動パネルに係止されるチェックブロックと、

前記係合溝を有して前記チェックブロックに回動自在に連結され、前記所定位置において前記ガイドレールに形成された係止部に係止される側に付勢されて前記移動不能状態を維持するチェックレバーとを有する請求項４に記載のサンルーフ装置。

[請求項6] 前記チェック機構は係合突部規制レバーを有し、その係合突部規制

レバーは、前記チェックレバーに回動自在に連結されるとともに、前記ガイドレールと係合する所定初期位置に保持されるように付勢力を受け、

前記係合突部は、前記後側摺動部材の車両前方への移動に伴い前記付勢力に抗して前記係合突部規制レバーを回動させて前記係合溝を通過するとともに、その後の前記後側摺動部材の車両後方への移動により前記係合突部規制レバーを介して該係合突部規制レバーに係合する前記ガイドレールを押圧して前記チェックレバーを前記係止部から解放する請求項５に記載のサンルーフ装置。

[請求項7] 前記後側摺動部材の車両前後方向の位置を検出する位置検出部と、

前記後側摺動部材の車両前後方向の位置に基づき、前記電気的駆動源を駆動制御する制御部とを備え、

前記制御部は、前記チェック解除機構が前記係合状態から前記係合解除状態に切り替わる範囲であって前記可動パネルの作動を伴わない車両前後方向の範囲を前記後側摺動部材が移動するとき、前記電気的駆動源の停止を禁止する請求項１～６のいずれか一項に記載のサンルーフ装置。

Claims in PCT Application

1. A vehicle sunroof device comprising:

a movable panel that opens and closes an opening formed in a roof of a vehicle;

a guide rail arranged on two edges of the opening in a widthwise direction of the vehicle, wherein the guide rail extends in front and rear directions of the vehicle;

a rear slide member linked to two edges at a rear portion of the movable panel in the widthwise direction and arranged to be movable along the guide rail in the front and rear directions of the vehicle;

an electric drive source that moves the rear slide member;

a check mechanism hooked to two edges at a front portion of the movable panel in a swingable manner, wherein the check mechanism is selectively switched between an immovable state, in which the check mechanism is held at a predetermined position frontward from the rear slide member in the front and rear directions of the vehicle, and a movable state, in which the check mechanism is allowed to move toward the rear of the vehicle from the predetermined position, and wherein when the movable panel is in a fully closed state, the rear slide member moves along the guide rail toward the front of the vehicle to lift the movable panel at its rear side about the front portion hooked to the check mechanism in the immovable state and thereby shift the movable panel to a tilt-up state; and

a check cancellation mechanism arranged on the rear slide member, wherein

the check cancellation mechanism, in the tilt-up state, is switched to an engaged state as the slide member further moves toward the front of the vehicle

without moving the movable panel, and the check cancellation mechanism, in the engaged state, integrally moves the check mechanism as subsequent movement of the rear slide member toward the rear of the vehicle switches the check mechanism to the movable state, and

as the rear slide member further moves toward the front of the vehicle without moving the movable panel in the engaged state, the check cancellation mechanism is switched to a disengaged state and released from the check mechanism.

2. The sunroof device according to claim 1, wherein the check cancellation mechanism includes a projection, and the sunroof device further comprises:

a first channel that allows entrance of the guide projection in the immovable state of the check mechanism when the check cancellation mechanism switches to the engaged state as the rear slide member moves toward the front of the vehicle;

a second channel in communication with a front end of the first channel, wherein the second channel switches the check cancellation mechanism to the disengaged state when the guide projection enters; and

an urging member that urges and moves the guide projection from the first channel to the second channel in a communication portion of the first channel and the second channel.

3. The vehicle sunroof device according to claim 2, wherein the check mechanism includes the first channel, the second channel, and the urging member.

4. The vehicle sunroof device according to any one of

claims 1 to 3, wherein

the check mechanism includes an engagement groove, and

the check cancellation mechanism includes an engagement projection, wherein

the engagement projection passes the engagement groove of the check mechanism in the immovable state as the rear slide member moves toward the front of the vehicle, and

the engagement projection is fitted to the engagement groove by subsequent movement of the rear slide member toward the rear of the vehicle and presses the engagement groove to integrally move the check mechanism.

5. The sunroof device according to claim 4, wherein the check mechanism includes:

a check block hooked to the movable panel and arranged to be movable along the guide rail in the front and rear directions of the vehicle; and

a check lever including the engagement groove and pivotally coupled to the check block, wherein the check lever is urged toward and hooked to a hooking portion formed in the guide rail at the predetermined position to maintain the immovable state.

6. The sunroof device according to claim 5, wherein

the check mechanism includes an engagement projection restriction lever, wherein the engagement projection restriction lever is pivotally coupled to the check lever, and the engagement projection restriction lever is held at a predetermined initial position engaging the guide rail when receiving urging force; and

the engagement projection pivots the engagement

projection restriction lever against the urging force and passes the engagement groove as the rear slide member moves toward the front of the vehicle, and subsequent movement of the rear slide member toward the rear of the vehicle pushes, with the engagement projection restriction lever, the guide rail, which is engaged with the engagement projection restriction lever, and releases the check lever from the hooking portion.

7. The sunroof device according to any one of claims 1 to 6, comprising:

a position detector that detects the position of the rear slide member in the front and rear directions of the vehicle; and

a control unit that controls and drives the electric drive source based on the position of the rear slide member in the front and rear directions of the vehicle, wherein the control unit prohibits deactivation of the electric drive source when the check cancellation mechanism is in a range switched from the engaged state to the disengaged state and the rear slide member moves in a range in the front and rear directions of the vehicle without moving the movable panel.

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 1513-0122PUS1

Application No:	13/255,524	Filing date:	September 09, 2011
First Named Inventor:	Yoshitsugu FUNATSU		
Title of the Invention:	LIQUID CRYSTAL POLYESTER FIBERS AND METHOD FOR PRODUCING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/053506

The international date of the corresponding PCT application(s) is/are: March 4, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [✔] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [✔] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 9, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 14, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially Identical
2	2	Substantially Identical
3	3	Substantially Identical
4	4	Substantially Identical
5	5	Substantially Identical
6	6	Substantially Identical
7	7	Substantially Identical
8	8	Substantially Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date January 25, 2012
Name (Print/Typed) Andrew D. Meikle	Registration Number 32868

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
Yoshitsugu FUNATSU et al.
Application No. 13/255,524
Filed: September 9, 2011
Atty. Docket No.: 1513-0122PUS1
For: LIQUID CRYSTAL POLYESTER FIBERS AND METHOD FOR PRODUCING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN PCT-PPH PROGRAM
: AND PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2012, to make the above-identified application special.

The request and petition are **GRANTED.**

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 1798 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington DC 20001

In re Application of :
Xu et al. :
Application No.: 13/255,526 : DECISION
PCT No.: PCT/CN2010/070324 :
Int. Filing Date: 22 January 2010 : ON
Priority Date: 23 January 2009 :
Attorney Docket No.: 11005.0536 : PETITION
For: Method, Device, And System For :
Managing Uplink Carrier Frequencies :

The petition to revive under 37 CFR 1.137(b) filed on 09 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "This application became abandoned unintentionally; i.e., the entire delay in filing the required papers and fee from the due date for the required papers and fee from the due date for the required papers and fee until the filing of this petition, was unintentional." This is construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." If this interpretation is incorrect, petitioner is required to promptly notify this Office. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **09 September 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	13/255,535	Filing Date:	September 9, 2011
First Named Inventor:	Koji OSHIMA		
Attorney Docket No.:	150140		
Title of the Invention:	CONTROL APPARATUS AND CONTROL METHOD FOR AUTOMATIC TRANSMISSION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2010/000379

The international date of the corresponding PCT application(s) is/are: February 25, 2010

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,535
First Named Inventor:	Koji OSHIMA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on September 9, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 9, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. claim 1 substantially corresponds to PCT (EPO) claim 1.
2	2	U.S. claim 2 substantially corresponds to PCT (EPO) claim 2.
3	3	U.S. claim 3 substantially corresponds to PCT (EPO) claim 3. However, the dependency has been changed to remove multiple dependencies.
4	4	U.S. claim 4 substantially corresponds to PCT (EPO) claim 4. However, the dependency has been changed to remove multiple dependencies.
5	5	U.S. claim 5 substantially corresponds to PCT (EPO) claim 5. However, the dependency has been changed to remove multiple dependencies.
6	6	U.S. claim 6 substantially corresponds to PCT (EPO) claim 6. However, the dependency has been changed to remove multiple dependencies.
7	7	U.S. claim 7 substantially corresponds to PCT (EPO) claim 7. However, the dependency has been changed to remove multiple dependencies.
8	8	U.S. claim 8 substantially corresponds to PCT (EPO) claim 8. However, the dependency has been changed to remove multiple dependencies.
9	9	U.S. claim 9 substantially corresponds to PCT (EPO) claim 9.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 28, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Daniel A. Tanner	Registration Number 54,734

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Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

RECEIVED
EINGEGANGEN
- 7. Juni 2010
TBK PATENT

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2010/000379	25.02.2010	12.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. F16H61/06

Applicant
TOYOTA JIDOSHA KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

W 9.7.10 ✓

Delai : 12. 1. 11 ✓ nicht verlängerbar
Terme: not extendible

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich	see form PCT/ISA/210	Daïeff, Bertrand

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2010/000379

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-9
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-9
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:
D1 : EP 1 431 625 A1 (JATCO LTD [JP]) 23 June 2004 (2004-06-23)cited in the application
D2 : EP 1 188 961 A2 (JATCO TRANSTECHNOLOGY LTD [JP] JATCO LTD [JP]) 20 March 2002 (2002-03-20)
D3 : WO 2008/126813 A2 (TOYOTA MOTOR CO LTD [JP]; FUKUSHIRO EIJI [JP]; OSHIMA KOJI [JP]) 23 October 2008 (2008-10-23)

2 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

A control apparatus that controls an automatic transmission in which a first shift position (6th speed, see Fig. 2) is achieved by engaging a first element and engaging a second element, a second shift position (3th speed) is achieved by engaging a third element and engaging a fourth element, an intermediate shift position (5th speed) exists between the first shift position and the second shift position, the third element does not transmit an input torque of the automatic transmission to an output shaft of the automatic transmission when only the third element is engaged, and the fourth element transmits the input torque of the automatic transmission to the output shaft of the automatic transmission when the fourth element is engaged, the control apparatus comprising:

a first determination unit that determines whether or not a shift is to be performed to a third shift position which is different to the second shift position (see Step 104 in Fig. 4); and

a control unit that halts the direct shift and executes a shift to the third shift position (see example in Fig. 8, f_SftINH = 0) when the second determination unit determines that a shift is to be performed to the third shift position ~~before engagement of the fourth element begins~~ **when**

- the inertia phase is not started

and

- the engagement side friction element has not start to gain capacity.

3 From this, the subject-matter of independent claim 1 differs in that it comprises:

a first determination unit that determines whether or not engagement of the fourth element is yet to begin during a direct shift in which a shift is performed from the first shift position to the second shift position without passing through the intermediate shift position by disengaging the first element, disengaging the second element, engaging the third element, and engaging the fourth element

and

the control unit halts the shift and executes a shift to the third shift position when the second determination unit determines that a shift is to be performed to the third shift position before engagement of the fourth element begins.

3.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)
The problem to be solved by the present invention may be regarded as to improve the responsiveness of the transmission control by a reshift request during a shift operation of a dual changeover type (involving 4 friction elements).

3.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
In D1, the shift inhibit flag is not set as long as the inertia phase is not started <u>and</u> the engagement side friction element has not start to gain capacity. These are two conditions, where the invention sets only one condition. Furthermore, in D1 it is not explicitly disclosed which one of the two engaging elements has to gain capacity and the dual changeover shift is considering an intermediate shift position and is therefore not dealing with a direct shift.

D2 discloses also the same two conditions in order to let the reshift inhibit flag off. Moreover, D2 deals with shift control involving only one disengaging and one engaging element.

Finally, D3 deals with dual changeover shift (4 friction elements involved) but not with the issue of a reshift request during a shift operation.

3.3 Claims 2-8 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4 Claim 9 is a method claim corresponding to the apparatus claim 1 and therefore also fulfill the requirements of novelty and inventive step (Article 33 (2) and (3) PCT).

Re Item VIII

Certain observations on the international application

5 The application does not meet the requirements of Article 6 PCT, because claim 1 and 9 are not clear.

In both claims the expression

> "the third element does not transmit an input torque of the automatic transmission to an output shaft of the automatic transmission when only the third element is engaged, and the fourth element transmits the input torque of the automatic transmission to the output shaft of the automatic transmission when the fourth element is engaged"

does not clearly differentiate the third element from the fourth element as it seems that transmission of torque is always achieved when both elements needed for a specific gear are both engaged. The third element alone or the fourth element alone do not transmit the input torque of the transmission to the output shaft as long as the other element (fourth respectively third element) is not engaged.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2010/000379

A. CLASSIFICATION OF SUBJECT MATTER
INV. F16H61/06
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
F16H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 431 625 A1 (JATCO LTD [JP]) 23 June 2004 (2004-06-23) cited in the application paragraphs [0003] - [0006], [0008], [0069] - [0078]; figures 6-9,11	1-9
A	EP 1 188 961 A2 (JATCO TRANSTECHNOLOGY LTD [JP] JATCO LTD [JP]) 20 March 2002 (2002-03-20) paragraphs [0006] - [0009], [0061] - [0064]; figure 7	1-9
A	WO 2008/126813 A2 (TOYOTA MOTOR CO LTD [JP]; FUKUSHIRO EIJI [JP]; OSHIMA KOJI [JP]) 23 October 2008 (2008-10-23) figure 6	1-9

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
1 June 2010	09/06/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Daïeff, Bertrand

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/IB2010/000379

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
EP 1431625	A1	23-06-2004	WO	03029699	A1	10-04-2003
			JP	4206128	B2	07-01-2009
			US	2004242371	A1	02-12-2004
EP 1188961	A2	20-03-2002	KR	20020022021	A	23-03-2002
			US	2002035014	A1	21-03-2002
WO 2008126813	A2	23-10-2008	CN	101652586	A	17-02-2010
			DE	112008000907	T5	04-02-2010
			JP	2008256149	A	23-10-2008
			KR	20090118115	A	17-11-2009
			US	2010100291	A1	22-04-2010

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Koji OSHIMA

Application No.: 13/255,535

Filed: September 9, 2011 Docket No.: 150140

For: CONTROL APPARATUS AND CONTROL METHOD FOR AUTOMATIC TRANSMISSION

SUPPLEMENT TO
THE REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a supplement to the Request For Participation In The PCT-PPH Pilot Program Between The European Patent Office (EPO) And The USPTO, filed on September 28, 2011, Applicant provides the following explanation as to why the claims are not subject to the observation described in Box VIII of the Written Opinion for corresponding PCT application No. PCT/IB2010/000379.

Box VIII of the Written Opinion indicates that claims 1 and 9 of corresponding PCT application No. PCT/IB2010/000379 are not clear because they do not clearly differentiate between the third element and the fourth element. More specifically, both claims recite as follows:

> ...the third element does not transmit an input torque of the automatic transmission to an output shaft of the automatic transmission when only the third element is engaged, and the

> fourth element transmits the input torque of the automatic transmission to the output shaft of the automatic transmission when the fourth element is engaged…

The Opinion asserts that this recitation does not clearly differentiate the third element from the fourth element as it seems that the transmission of torque is always achieved when both elements needed for a specific gear are both engaged. The Opinion also asserts that the third element alone or the fourth element alone do not transmit the input torque of the transmission to the output shaft as long as the other element (fourth respectively third element) is not engaged.

However, it is respectfully submitted that the above assertions rely on a factually flawed premise. The Opinion's allegation that the fourth element does not transmit the input torque of the transmission to the output shaft as long as the third element is not engaged is incorrect. Paragraph [0038] of the specification states as follows: "an input torque of the automatic transmission 2000 is transmitted to an output shaft of the automatic transmission 2000 even when a reaction brake is disengaged and an input clutch is engaged individually." Accordingly, in at least one embodiment, both the third element and the fourth element do not always need to be both engaged for the transmission of torque for a specific gear.

In view of the foregoing, it is respectfully submitted that the requirements for entry into the PCT-PPH program have been met. Favorable consideration is earnestly solicited.

Should anything further be desirable in order to grant entry in the the PCT-PPH program and/or place this application in even better condition for allowance, the USPTO is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Eric D. Morehouse
Registration No. 38,565

JAO:EDM/dlh

Date: January 19, 2012

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of
Koji Oshima
Application No.: 13/255,535
Filed: September 9, 2011
Attorney Docket No.: CONTROL APPARATUS AND CONTROL METHO FOR AUTOMATIC TRANMISSION

: REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the EPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the EPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the EPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the EPO application is a first action allowance then no office action from the EPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the EPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the EPO examiner in the EPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO, IL 60690-2786

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of Ferron et al. :
Application No. 13/255,541 : Letter
371(c) Date: November 23, 2011 :
Attorney Docket No. 55424-115639 :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed November 28, 2011.

The deficiency payment of $729 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
DEC 23 2011
PCT LEGAL ADMINISTRATION

JOHN T. CALLAHAN
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of:	:	
TAKADA et al.	:	
PCT Application No.: PCT/JP2010/001621	:	
US Application No.: 13/255,648	:	
Int. Filing Date: 08 March 2010	:	DECISION
Atty Docket No.: Q126526	:	
For: SEMICONDUCTOR WAFER, METHOD OF	:	
PRODUCING SEMICONDUCTOR WAFER,	:	
ELECTRONIC DEVICE, AND METHOD OF	:	
PRODUCING ELECTRONIC DEVICE	:	

This is in response to applicants' "PETITION UNDER 37 C.F.R. 1.182 " received on 12 October 2011.

BACKGROUND

On 08 March 2010, applicants filed international application PCT/JP2010/001621, which claimed priority to an earlier Japanese application filed on 11 March 2009.

On 09 September 2011, applicants filed a 35 U.S.C. 371 application, which was accompanied by, inter alia, a preliminary amendment to the specification. The papers were assigned U.S. application number 13/255,648.

On 12 October 2011, applicants filed the present petition under 37 CFR 1.182, requesting that the specification filed 09 September 2011 be extracted and treated as a separate filing under 35 U.S.C. 111(a).

DISCUSSION

Applicant is required to specify exactly which documents, including page numbers, which are requested to be extracted.

Furthermore, applicant must file a terminal disclaimer disclaiming any patent term adjustment necessitated by the period between the filing of the 35 U.S.C. 111(a) application and the filing of a grantable petition under 37 CFR 1.182.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is hereby **DISMISSED** without prejudice.

If consideration on the merits is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of	:
Angel Zhivkov Kirchev, et. al.	: DECISION ON REQUEST TO
Application No.: 13/255,680	: PARTICIPATE IN THE PATENT
Filed: September 9, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 150724	: PROGRAM AND PETITION
For: ELECTROCHEMICAL CELL WITH	: TO MAKE SPECIAL UNDER
AN ELECTROLYTE FLOW, COMPRISING	: 37 CFR 1.102(a)
THROUGH-ELECTRODES AND	:
PRODUCTION METHOD	:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

Ramesh Krishnamurthy
RAMESH KRISHNAMURTHY
for David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
SEP 23 2011
PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
WALSH et al.	:	
Application No.: 13/255,702	:	DECISION
PCT No.: PCT/US2010/026812	:	REGARDING
Int. Filing Date: 10 March 2010	:	SUBMISSION UNDER 37 CFR 1.42
Priority Date: 11 March 2009	:	
Attorney Docket No.: 17484/037002	:	
For: METHOD AND APPARATUS TO REPAIR FLEXIBLE FIBER-REINFORCED PIPE	:	

This decision is issued in response to the declaration filed 09 September 2011 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 10 March 2010, applicant filed international application PCT/US2010/026812 which claimed a priority date of 11 March 2009. The deadline for payment of the basic national fee was 11 September 2011 (thirty months from the priority date).

On 09 September 2011, applicant filed a request for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a declaration executed by: Thomas, J. WALSH, Richard Matthew LUTZ, Michael Alan SEYMOUR, and Ali BRYANT, on behalf of deceased inventor, Michael J. BRYANT.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 09 September 2011 was executed by Ali BRYANT as "legal representative" to the deceased inventor, Michael J. BRYANT. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/255,764	09/09/2011	Abderrahman Essebbar	Q126482	8958

23373 7590 11/01/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
11/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	
Abderrahman ESSEBBAR	**: DECISION ON REQUEST TO**
Application No.: 13/255,764	**: PARTICIPATE IN THE PATENT**
Filed: 09 September 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q126482	**: PROGRAM AND PETITION**
For: DEVICE AND METHOD FOR	**: TO MAKE SPECIAL UNDER**
REDUCING INTERFERENCE IN	**: 37 CFR 1.102(a)**
RECEIVED COMMUNICATION	
SIGNALS	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 06 October 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Oblon, Spivak, McClelland Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria VA 22314

MAILED

NOV 04 2011

PCT LEGAL ADMINISTRATION

In re Application of: BOURGOIS et al.
Application No.: 13/255,772
PCT No.: PCT/EP2010/053249
Int. Filing Date: 15 March 2010
Priority Date: 17 March 2009
Attorney Docket No.: 385363US41PCT
For: TURBOMACHINE COMBUSTION CHAMBER COMPRISING IMPROVED MEANS OF AIR SUPPLY

DECISION ON REQUEST

This decision is issued in response to applicants' "Notification of Error under MPEP §1893.01(e)" filed 19 October 2011. Applicants are notifying the Office that the name of the first inventor is Sebastien Alain Christophe Bourgois as indicated on the Combined Declaration and Power of Attorney rather than Sebastien Alain Christophe Bourgeois as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 19 October 2011 submission states that the name of the first inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration is correct. Applicants state that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicants' explanation of the difference in the spelling of the first inventor's name is accepted as Sebastien Alain Christophe Bourgois and noted for the record. The declaration/power of attorney filed 19 October 2011 complies with 37 CFR 1.497(a)-(b).

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/255,846	Filing date:	September 9, 2011
First Named Inventor:	Tetsuo HIRONAKA		
Title of the Invention:	SEMICONDUCTOR DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT Application No. PCT/JP2010/055029

The international date of the corresponding PCT application(s) is/are: March 24, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/255,846
First Named Inventor:	Tetsuo HIRONAKA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 2011-09-09

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 2011-09-09

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8	1-8	Identical to PCT Claims 1-8
9	9	Identical to PCT Claim 9 depending from (">") Claim 1
10	10	Identical to PCT Claim 10 > 9 > 1
11	9	Identical to PCT Claim 9 > 2
12	9	Identical to PCT Claim 9 > 3
13	9	Identical to PCT Claim 9 > 4
14	9	Identical to PCT Claim 9 > 7
15	9	Identical to PCT Claim 9 > 8
16	10	Identical to PCT Claim 10 > 9 > 2
17	10	Identical to PCT Claim 10 > 9 > 3
18	10	Identical to PCT Claim 10 > 9 > 4
19	10	Identical to PCT Claim 10 > 9 > 7
20	10	Identical to PCT Claim 10 > 9 > 8

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /katsuhiro arai/	Date 2011-09-09
Name (Print/Typed) Katsuhiro Arai	Registration Number 43315

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From: JAPAN PATENT OFFICE (INTERNATIONAL SEARCHING AUTHORITY)

To: Michizo ISONO

ISONO International Patent and Trademark Office, Sabo kaikan bekkan

2-7-4, Hirakawa-cho, Chiyoda-ku, Tokyo, 102-0093 JAPAN

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY [PCT Rule 43bis.1]

Date of mailing (day/month/year): 11.05.2010

Applicant's or agent's file reference: C11022

For further procedures, see paragraph 2 below

International application No.: PCT/JP2010/055029

International filing date (day/month/year): 24.03.2010

Priority date (day/month/year): 30.03.2009

International Patent Classification (IPC): H03K19/177(2006)i, H01L21/82(2006)i, H03K19/00(2006)i

Applicant: Hiroshima-shi

1. This opinion contains indications relating to the following items:

☑ Box No. I Basis of the opinion

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☑ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a first written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion: 21.04.2010

JAPAN PATENT OFFICE (ISA/JP)

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo, 100-8915

Examiner of the Patent Office (with authority)

Katsuyuki YAGISHITA

Tel: 81-3-3581-1101 (ext. 3596)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.: PCT/JP2010/055029

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

☑ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(b))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

a. (means) ☐ on paper

☐ in electronic form

b. (time) ☐ in the international application as filed

☐ together with the international application in electronic form

☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.: PCT/JP2010/055029

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-10	YES
	Claims	NO
Inventive step (IS)	Claims 1-10	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

2. Citations and explanations:

1. Documents cited in ISR

[document 1] JP11-238850 A (Kabushiki Kaisha Toshiba) 1999.08.31. Front Page (No family)

[document 2] JP2-20923 A (Fujitsu Kabushiki Kaisha, and the other) 1999.01.24, Page 2, right upper column line 6 - left lower column line 19, Fig. 3(b) (No family)

[document 3] WO 2007/060738 A1 (Genesis Technology Kabushiki Kaisha) 2007.05.31, Front Page & US 2009/0154282 A1 & CN 101310442 A

2. Explanations

The inventions claimed in Claims 1-10 have novelty and inventive steps against the above mentioned documents cited in ISR.

Assigning Flip-Flop to MULT block is neither disclosed in any document cited in ISR nor obvious in light of what is disclosed in the document.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/255,846	09/09/2011	Tetsuo Hironaka	TAYUX.080301AP	9466

76993 7590 11/16/2011
Law Office of Katsuhiro Arai
22471 Aspan Street
Suite 205 C
Lake Forest, CA 92630

EXAMINER
ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
2819	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

KAPAT@KAPATLAW.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Office of Katsuhiro Arai
22471 Aspan Street
Suite 205 C
Lake Forest CA 92630

In re Application of	**: DECISION ON REQUEST TO**
HIRONAKA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/255,846	**: PROSECUTION HIGHWAY**
Filed: September 9, 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: TAYUX.080301AP	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/255,859	Filing date:	September 9, 2011
First Named Inventor:	Gerhard Malan Le Roux		
Title of the Invention:	Apparatus for Introducing Objects into Filter Rod Material		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/052974

The international filing date of the corresponding PCT application(s) is/are: March 9, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/255,859
First Named Inventor:	Gerhard Malan Le Roux

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 9, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 9, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1, 2, 10, 11, 16, 27, 31, 33, 36, 37	1, 2, 10, 11, 16, 27, 31, 33, 36, 37	Direct correspondence with clarifying changes made to US claims
3-9, 12-15, 18-26, 28-30, 32, 34-35	3-9, 12-15, 18-26, 28-30, 32, 34-35	Multiple dependency of PCT has been removed from US claims
17, 39	17	Direct correspondence with clarifying changes made to US claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Walter G. Hanchuk/	Date September 13, 2011
Name (Print/Typed) Walter G. Hanchuk	Registration Number 35,179

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Alexandria, VA 22313-1450
www.uspto.gov

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED
DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
KALE, Sandeep, Bhaskar, et al. :
Application No.: 13/255,890 :
PCT No.: PCT/IN2010/000133 :
Int. Filing Date: 09 March 2010 :
Priority Date: 09 March 2009 :
Att. Docket No.: 42025-701.831 :
For: CONTINUOUS COUNTER CURRENT :
FLUIDIZED MOVING BED (FMB) :
AND/OR EXPANDED MOVING BED :
(EMB) :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 September 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The required reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-AU (01-11)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Georgeta Grigori		
Title of the Invention:	MULTIPURPOSE MANUAL MIXER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/AU2010/000274

The international filing date of the corresponding PCT application(s) is/are: 2010-03-25

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Georgeta Grigori

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
6-10	1-5	Preliminary Amendment is attached;

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /MC/	Date 09-10-2011
Name (Print/Typed) Marin Cionca	Registration Number 63899

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
OCT 18 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
HEHL	:	
U.S. Application No.: 13/255,987	:	DECISION ON PAPERS
PCT No.: PCT/EP2010/001556	:	
Int. Filing Date: 11 March 2010	:	UNDER 37 CFR 1.42
Priority Date: 12 March 2009	:	
Attorney's Docket No.: REP0084US	:	
For: ELECTRIC MOTOR DRIVE UNIT FOR AN INJECTION MOLDING MACHINE FOR PROCESSING PLASTICS	:	

This decision is in response to applicant's filing of 12 September 2011. The filing of the declaration in question is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 11 March 2010, applicant filed the above-referenced international application, which claimed a priority date of 12 March 2009. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 September 2010. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 12 September 2011.

On 12 September 2011, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, payment of the requisite basic national fee and the subject declaration of the inventor.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

An examination of the filed declaration and power of attorney finds that the document

Application No.: 13/255,987

lists the citizenship for the deceased inventor Karl Hehl and the post office, residence and citizenship for the legal representative to his estate, Renate Keinath. The declaration has been executed by the legal representative. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b).

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 11 March 2010 and will be given a date of **12 September 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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LOUIS C. PAUL & ASSOCIATES, PLLC
150 East 58th Street
34th Floor
New York, NY 10155

MAILED

NOV 10 2011

PCT LEGAL ADMINISTRATION

In re Application of
MATEU *et al*
Application No.: 13/256,019
PCT No.: PCT/US2010/027128
Int. Filing Date: 12 March 2010
Priority Date: 12 March 2009
Docket No.: 538-1002-140-US
For: ESTER GELS, METHOD OF MANUFACTURE, AND USES THEREOF

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 12 September 2011, applicants filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/US2010/027128 at 14:53:43 using attorney docket number 26/1066. This application was given U.S. application number 13/256,015. No fees were paid.

A second set of national stage papers for PCT/US2010/027128 was filed at 14:58:25 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 13/256,019. Fees totaling $435.00 were provided in the second application.

On 29 September 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt in U.S. application number 13/256,019.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/US2010/027128. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/US2010/027128. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/US2010/027128 and denoted as U.S. application No.**13/256,019**.

Applicants must use only U.S. application No.**13/256,019** for all correspondence to the national stage application of PCT/US2010/027128.

Applicants are advised that U.S. application No. 13/256,015 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of
Manoj et al.
Application No.: 13/256,016 & 13/256,028
PCT No.: PCT/IN2010/000144
Int. Filing Date: 12 March 2010
Priority Date: 12 March 2009
Attorney Docket No.: 17849/004001
For: Polynucleotide And Polypeptide Sequence And Methods Thereof

DECISION

This is in response to the correspondence filed on 12 September 2011.

BACKGROUND

International application PCT/IN2010/000144 was filed on 12 March 2010, claimed an earlier priority date of 12 March 2009, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 16 September 2010. The period for payment of the basic national fee in the United States expired as of midnight on 12 September 2011. Applicants filed *inter alia* a basic national fee directed toward said international application in 13/256,028 on 12 September 2011. Applicants also filed correspondence on the same date, which was assigned to application no. 13/256,016.

DISCUSSION

Review of the record reveals that applicants have filed two sets of correspondence, 13/256,028 and 13/256,016, directed toward the national stage under 35 U.S.C. 371 of the same international application, PCT/IN2010/000144. Any particular international application under the PCT culminates in a single national stage entry in the United States under 35 U.S.C. 371; multiple national stage entries of a single PCT application are not permitted. As such, since these purported national stage entries were both intended as the national stage of the same international application, it would be appropriate to merge the applications. Since a Notice of Acceptance (Form PCT/DO/EO/903) already has been mailed in 13/256,028, and since fees have not been charged and applied to 13/256,016, the papers filed in 13/256,016 are being placed into the '028 application file. All future correspondence should be directed toward 13/256,028.

DECISION

The application papers are **ACCEPTED**, as described above.

Application number 13/256,016 has not been activated, but has been merged with 13/256,028. All further correspondence with respect to this matter should be directed to 13/256,028.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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Commissioner for Patents
United States Patent and Trademark Office
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of Manoj et al. Application No.: 13/256,016 & 13/256,028 PCT No.: PCT/IN2010/000144 Int. Filing Date: 12 March 2010 Priority Date: 12 March 2009 Attorney Docket No.: 17849/004001 For: Polynucleotide And Polypeptide Sequence And Methods Thereof	:	DECISION

This is in response to the correspondence filed on 12 September 2011.

BACKGROUND

International application PCT/IN2010/000144 was filed on 12 March 2010, claimed an earlier priority date of 12 March 2009, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 16 September 2010. The period for payment of the basic national fee in the United States expired as of midnight on 12 September 2011. Applicants filed *inter alia* a basic national fee directed toward said international application in 13/256,028 on 12 September 2011. Applicants also filed correspondence on the same date, which was assigned to application no. 13/256,016.

DISCUSSION

Review of the record reveals that applicants have filed two sets of correspondence, 13/256,028 and 13/256,016, directed toward the national stage under 35 U.S.C. 371 of the same international application, PCT/IN2010/000144. Any particular international application under the PCT culminates in a single national stage entry in the United States under 35 U.S.C. 371; multiple national stage entries of a single PCT application are not permitted. As such, since these purported national stage entries were both intended as the national stage of the same international application, it would be appropriate to merge the applications. Since a Notice of Acceptance (Form PCT/DO/EO/903) already has been mailed in 13/256,028, and since fees have not been charged and applied to 13/256,016, the papers filed in 13/256,016 are being placed into the '028 application file. All future correspondence should be directed toward 13/256,028.

DECISION

The application papers are **ACCEPTED**, as described above.

Application number 13/256,016 has not been activated, but has been merged with 13/256,028. All further correspondence with respect to this matter should be directed to 13/256,028.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/256,081	Filing date:	September 12, 2011
First Named Inventor:	MAX HEINRITZ-ADRIAN		
Title of the Invention:	METHOD AND APPARATUS FOR A CONSTANT STEAM GENERATION FROM THE WASTE HEAT OF AN ALKANE DEHYDROGENATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/001238

The international filing date of the corresponding PCT application(s) is/are: March 1, 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/256,081
First Named Inventor:	MAX HEINRITZ-ADRIAN

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 23, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 23, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	Rewritten in U.S. format
13	2	Rewritten in U.S. format
14	3	Rewritten in U.S. format, made singularly dependent
15	4	Rewritten in U.S. format, made singularly dependent
16	5	Rewritten in U.S. format, made singularly dependent
17	6	Rewritten in U.S. format, made singularly dependent
18	7	Rewritten in U.S. format
19	8	Rewritten in U.S. format
20	9	Rewritten in U.S. format, made singularly dependent
21	10	Rewritten in U.S. format, made singularly dependent
22	11	Rewritten as an article claim to address box 8 of the IPRP

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /John E. Nemazi/	Date 11/1/11
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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PCT LEGAL ADMINISTRATION

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of	:	
JADHAV et al.	:	
Application No.: 13/256,089	:	DECISION
PCT No.: PCT/US2010/28618	:	
Int. Filing Date: 25 March 2010	:	
Priority Date: 27 March 2009	:	
Attorney's Docket No.: SIR-MIS-00079-US-PCT	:	
For: RNA INTERFERENCE MEDIATED	:	
INHIBITION . . . NUCLEIC ACID (SINA)	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 10 February 2012.

BACKGROUND

On 12 September 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US10/28168. However, the international application number appearing on the Transmittal Letter and on the ADS is PCT/US2010/28618.

On 16 December 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 10 February 2012, applicants submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/US2010/0028618**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 03 October 2011 was mailed prematurely, i.e., before the discrepancy between the two different international application numbers had been corrected. The discrepancy has now been corrected. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct. Accordingly, Form DO/EO/903 is hereby affirmed.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/256,139	First Named Inventor:	Satoru INOUE
Filing Date:	September 12, 2011	Attorney Docket No.:	1163-0935PUS1
Title of the Invention:	ULTRASONIC SENSOR MODULE ATTACHING DEVICE AND ATTACHING METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/002700

The international filing date of the corresponding PCT application(s) is/are: June 15, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- [✓] is attached.
- [ ] is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

- [✓] is attached.
- [ ] is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [ ] is attached.
- [✓] has already been filed in the above-identified U.S. application on September 12, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

- [ ] are attached.
- [✓] have already been filed in the above-identified U.S. application on September 12, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/256,139	First Named Inventor:	Satoru INOUE

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
8	8	Identical
9	9	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 4, 2012
Name (Print/Typed) D. Richard Anderson	Registration Number 40439

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	15.09.2009
Applicant's or agent's file reference 605149WO01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/002700	15.06.2009	

International Patent Classification (IPC) or both national classification and IPC
B60R19/48(2006.01)i, B60R21/00(2006.01)i, G01S7/521(2006.01)i

Applicant
Mitsubishi Electric Corporation

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI — Certain documents cited
- [ ] Box No. VII — Certain defects in the international application
- [ ] Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/002700

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/002700

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-9 is not disclosed in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
田澤英昭
様

あて名
〒100-0014
日本国東京都千代田区永田町二丁目１２番４号　赤坂山王センタービル５階

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	１５．０９．２００９
出願人又は代理人 の書類記号　605149W001	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００９／００２７００	（日.月.年）　１５．０６．２００９	（日.月.年）

国際特許分類（ＩＰＣ）Int.Cl. B60R19/48(2006.01)i, B60R21/00(2006.01)i, G01S7/521(2006.01)i

出願人（氏名又は名称）
三菱電機株式会社

１．この見解書は次の内容を含む。
- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
０１．０９．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 一ノ瀬　覚 電話番号　０３－３５８１－１１０１　内線　３３４１	３Ｄ	９１３７

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／００２７００

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

ａ．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

ｂ．フォーマット　☐ 紙形式

☐ 電子形式

ｃ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／００２７００

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（Ｎ）	請求項	１－９	有
	請求項		無
進歩性（ＩＳ）	請求項	１－９	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－９	有
	請求項		無

２．　文献及び説明

請求項１－９に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

S T A T E M E N T

International Application No.PCT/JP2009/002700

I, Hideaki TAZAWA, a Japanese citizen of c/o Sanno Patent Office, Akasaka Sanno Center Bldg. 5F, 12-4, Nagata-cho 2-chome, Chiyoda-ku, Tokyo, Japan, do hereby solemnly and sincerely declare as follows:

1. I am well acquainted with both the Japanese language and the English language.

2. I personally made the following translation.

3. The following is a true translation into the English language of the claim(s) from the PCT application No. PCT/JP2009/002700 which was filed on June 15, 2009.

And I make this solemn declaration conscientiously believing the same to be true.

This 2nd day of March, 2012

Hideaki TAZAWA

CLAIMS

1. An ultrasonic sensor module attaching device comprising:

an ultrasonic sensor module having a flange of which the diameter is larger than the hole diameter of a through hole prepared through a bumper of a vehicle; and

a fixing ring plate having an engaging section for engaging with the flange of the ultrasonic sensor module that is temporarily positioned on the back of the bumper and a fixing section that extends circumferentially of the engaging section and abuts against the back of the bumper.

2. The ultrasonic sensor module attaching device according to Claim 1, wherein an interference preventing resilient body, which is interposed between the bumper of the vehicle and the ultrasonic sensor module to temporarily position the ultrasonic sensor module to the bumper, is changed in thickness according to the thickness change of the bumper such that the front face of the ultrasonic sensor module is flush with the surface of the bumper.

3. The ultrasonic sensor module attaching device according to Claim 1, wherein the fixing section of the fixing ring plate is arranged with flexibility.

4. The ultrasonic sensor module attaching device according to Claim 1, wherein the fixing ring plate has a two-divided structure, each of halved bodies thereof is arranged to be flexible to the fixing section, and a connective fixing section is provided at the opposing ends of the halved bodies to be connected with each other.

5. The ultrasonic sensor module attaching device according to Claim 1, wherein concave and convex engaging sections for positioning are relatively prepared in the flange of the ultrasonic sensor module and at the bottom of the fixing ring plate for housing the flange.

6. The ultrasonic sensor module attaching device according to Claim 1, wherein the ultrasonic sensor module has the flange extending from one bumper attaching side to the other end side, the fixing ring plate has a tubular section extending from the one bumper attaching side to the other end side, and the flange is pressed against the bumper by an end face plate attached to one end of the tubular section.

7. The ultrasonic sensor module attaching device according to Claim 1, wherein the fixing ring plate is arranged to have one side that is opened in a U shape or provided with a cut face with flexibility.

8. An ultrasonic sensor module attaching method comprising the steps of:

attaching an interference preventing resilient body to an assembly section of an ultrasonic sensor module to a bumper;

inserting the assembly section having the interference preventing resilient body attached thereto into a hole of the bumper to temporarily position the ultrasonic sensor module;

assembling a fixing ring plate to the ultrasonic sensor module; and

fixing a fixing section of the ultrasonic sensor module to

the bumper while pressing the flange of the ultrasonic sensor module with the fixing ring plate.

9. An ultrasonic sensor module attaching method comprising the steps of:

inserting an interference preventing resilient body into a hole of a bumper;

inserting an assembly section of an ultrasonic sensor module to the bumper into the interference preventing resilient body to temporarily position the ultrasonic sensor module on the back of the bumper;

assembling a fixing ring plate to the ultrasonic sensor module; and

fixing a fixing section of the ultrasonic sensor module to the bumper while pressing the flange of the ultrasonic sensor module with the fixing ring plate.

【書類名】　　請求の範囲

【請求項１】

車両のバンパーに設けた貫通穴の穴径より大きい径の鍔を設けた超音波センサモジュールと、前記バンパーの裏面に仮位置決めした前記超音波センサモジュールの前記鍔との係合部および該係合部より周方に延在して前記バンパーの裏面に当接する固定部を有する固定リングプレートとを備えた超音波センサモジュールの取り付け装置。

【請求項２】

車両のバンパーと超音波センサモジュールとの間に介在させて該超音波センサモジュールを該バンパーに仮位置決めする干渉防止弾性体は、超音波センサモジュールの前面がバンパーの表面と面一になるように、バンパーの厚さの変化に応じて厚さを変化させることを特徴とする請求項１記載の超音波センサモジュールの取り付け装置。

【請求項３】

固定リングプレートの固定部は、柔軟性を有する構成としたことを特徴とする請求項１記載の超音波センサモジュールの取り付け装置。

【請求項４】

固定リングプレートは２つ割り構造とし、この半割り体を固定部に対し屈曲自在に構成し、前記半割り体の対向端部に互いに連結する連結固定部を備えたことを特徴とする請求項１記載の超音波センサモジュールの取り付け装置。

【請求項５】

超音波センサモジュールの鍔と、前記鍔を収納する固定リングプレートの凹部の底面とに相対的に位置決め凹凸係合部を設けたことを特徴とする請求項１記載の超音波センサモジュールの取り付け装置。

【請求項６】

超音波センサモジュールはバンパー取付け側より他端側に延在した鍔を有し、固定リングプレートはバンパー取付け側より他端側に延びた筒部を有し、この筒部の一端に取り付けた端面板で前記鍔をバンパーに押圧することを特徴とする請求項１記載の超音波センサモジュールの取り付け装置。

【請求項７】

固定リングプレートの一方が開放されたＵ字型あるいは一方に柔軟性を有し切断面を設けた構造の請求項１記載の超音波センサモジュールの取り付け装置。

【請求項８】

超音波センサモジュールのバンパーに対する組み付け部に干渉防止弾性体を装着し、この干渉防止弾性体を装着した前記組み付け部を前記バンパーの穴に挿入して前記超音波センサモジュールを仮位置決めした後、前記超音波センサモジュールに固定リングプレートを組み付け、前記固定リングプレートで前記超音波センサモジュールの鍔を押圧しながら該超音波センサモジュールの固定部を前記バンパーに固定することを特徴とする超音波センサモジュールの取り付け方法。

【請求項９】

干渉防止弾性体をバンパー穴に挿入した後、超音波センサモジュールのバンパーに対する組み付け部を干渉防止弾性体に挿入し、前記超音波センサモジュールをバンパーの裏面に仮位置決めした後、前記超音波センサモジュールに固定リングプレートを組み付け、前記固定リングプレートで前記超音波センサモジュールの鍔を押圧しながら該超音波センサモジュールの固定部を前記バンパーに固定することを特徴とする超音波センサモジュールの取り付け方法。

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83121
Gokalp Bayramoglu
200 W. Sahara Ave., Unit 1601
Las Vegas, NV 89102

MAILED
NOV 14 2011
PCT LEGAL ADMINISTRATION

In re Application of :
LIU *et al* :
Application No.: 13/256,223 :
PCT No.: PCT/CN2009/072588 :
Int. Filing Date: 01 July 2009 :
Priority Date: 13 March 2009 :
Attorney's Docket No.: TPK-P07027-PCTUS :
For: PRESSURE SENSITIVE TOUCH :
CONTROL DEVICE :

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 12 September 2011, applicants filed papers to enter the national stage of PCT/CN2009/072588 using the USPTO EFS-Web system at 03:00:29. The attorney docket number was TPK-P07027-PCTUS. Fees totaling $980.00 were charged to applicants' Deposit Account No. 50-5328. This application was given U.S. application number 13/256,223.

A second set of national stage papers for PCT/CN2009/072588 was filed using the USPTO EFS-Web system at 23:09:01 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 13/256,223 Fees of $980.00 were also submitted with this second application.

On 13 October 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt in U.S. application number 13/256,223.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/CN2009/072588. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an

international application. Both filings on 26 February 2011 indicate that the filing is a "U.S. National Stage under 35 USC 371" of PCT/CN2009/072588. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be **MERGED** into one national stage application for PCT/CN2009/072588 denoted as U.S. application No. **13/256,223**.

Applicant must use only U.S. application No. **13/256,223** for all correspondence to the national stage application of PCT/CN2009/072588.

Applicant is advised that U.S. application No. 13/256,225 is no longer a valid U.S. National stage application. The $980.00 in fees paid have been credited back to Deposit Account No. 50-5328.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re Application of	:
Angel Zhivkov Kirchev, et. al.	: DECISION ON REQUEST TO
Application No.: 13/256,322	: PARTICIPATE IN THE PATENT
Filed: September 13, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 150745	: PROGRAM AND PETITION
For: ACID-LEAD BATTERY ELECTRODE	: TO MAKE SPECIAL UNDER
COMPRISING A NETWORK OF PORES	: 37 CFR 1.102(a)
PASSING THERETHROUGH, AND	:
PRODUCTION METHOD	:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

Ramesh Krishnamurthy
for David Bucci
Petitions Examiner

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 21130-10	Application Number (if known):	Filing date: September 13, 2011

First Named Inventor: Barry W. Hunt et al.

Title: APPARATUS, SYSTEMS AND METHODS FOR COLLECTING AND RECLAIMING ANAESTHETIC AGENTS AND FOR REMOVING NITROUS OXIDE FROM EXHAUST GASES

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment under 37 C.F.R. §1.115

Signature /JBH/	Date September 13, 2011
Name (Print/Typed) Jason B. Hynes	Registration Number 61,775

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/256,367	09/13/2011	Barry W. Hunt	21130-10	8154

1059 7590 11/18/2011
BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
1774	

MAIL DATE	DELIVERY MODE
11/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

11/18/11

In re Application of	:	
Hunt et al.	:	DECISION ON PETITION
Application No. 13/256,367	:	TO MAKE SPECIAL UNDER
Filed: 9/13/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **21130-10**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1774 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	2011-09-14
First Named Inventor:	Stefano RINALDI		
Title of the Invention:	Induction Furnace and Infiltration Process		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/0052300

The international filing date of the corresponding PCT application(s) is/are: 2010-02-23

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Stefano RINALDI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20 - 38	1 - 19	Claims amended by removing multiple dependency and reference numbers.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Charles Fallow	Date 2011-09-14
Name (Print/Typed) Charles W. Fallow	Registration Number 28946

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

APR 04 2012

OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Kumazaki et al.	: PARTICIPATE IN THE PATENT
Application No. 13/256,514	: PROSECUTION HIGHWAY
Filed: September 14, 2011	: PROGRAM AND PETITION
Attorney Docket No. 386206US71PCT	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 9, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate; (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the JPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    d. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    e. Copies of the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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15TH FLOOR
NEW YORK NY 10016

MAILED
NOV 23 2011
PCT LEGAL ADMINISTRATION

In re Application of: Cavazza et al.
U.S. Application No: 13 /256,531
PCT Application No: PCT/EP2009/066113
International Filing Date: 01 December 2009
Priority Date: 01 December 2008
Attorney's Docket No.: 1108-1083
For: USE OF ALKANOYL L-CARNITINE IN COMBINATION WITH CHEMOTHERAPEUTIC AGENTS FOR THE TREATMENT OF NEOPLASMS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 14 September 2011.

BACKGROUND

On 01 December 2009, applicants filed international application PCT/EP2009/066113 which claimed priority of an earlier EP application filed 01 December 2008 and a US provisional application filed 05 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 June 2011.

On 02 June 2011, international application PCT/EP2009/066113 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 September 2011, applicant submitted in the United States Patent and Trademark Office a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*, the basic national fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371 by submitting the basic national fee.

With regard to item (2), applicant has provided the required petition fee set forth in 37 CFR 1.17(m).

With regard to item (3), applicant has provided the proper statement under 37 CFR 1.137(b)(3).

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reason above, the petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

Seungsook Ham
Office of PCT Legal Administration
United States Patent and Trademark Office

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288

UNITED STATES PATENT AND TRADEMARK OFFICE

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15TH FLOOR
NEW YORK NY 10016

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APR 06 2012
PCT LEGAL ADMINISTRATION

In re Application of CAVAZZA, Claudio et al.
U.S. Application No.: 13/256,531
PCT Application No.: PCT/EP2009/066113
Int. Filing Date: 01 December 2009
Priority Date Claimed: 01 December 2008
Attorney Docket No.: 1108.1083
For: USE OF ALKANOYL L-CARNITINE IN COMBINATION WITH CHEMOTHERAPEUTIC AGENTS FOR THE TREATMENT OF NEOPLASMS

:DECISION ON SUBMISSION UNDER 37 C.F.R. 1.42

This decision is issued in response to applicants' 15 December 2011 filing of a declaration executed on behalf of deceased co-inventor Claudio CAVAZZA by his legal representatives and deceased co-inventor Paolo CARMINATI by his legal representatives, considered herein as a submission under 37 C.F.R. 1.42.

BACKGROUND

On 14 September 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States and a petition under 37 C.F.R. 1.137(b) accompanied by, among other materials, payment of the basic national fee.

On 23 November 2011, the petition under 37 C.F.R. 1.137(b) was granted.

On 07 December 2011, a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) was mailed.

On 15 December 2011, a declaration executed by the sole surviving inventor of record and on behalf of deceased co-inventor Claudio CAVAZZA by his legal representatives and deceased co-inventor Paolo CARMINATI by his legal representatives. The declaration is considered herein under 37 C.F.R. 1.42 and 1.497.

On 06 January 2012, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed.

On 13 January 2012, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed.

DISCUSSION

37 C.F.R. 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(e) of the MPEP states that when an applicant who has prosecuted an application after assignment, dies, the administrator of the deceased applicant's estate may carry on the prosecution upon filing letters of administration unless and until the assignee intervenes (MPEP § 402.07).

37 C.F.R. 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 C.F.R. 1.497(b)(2), the relationship of the legal representative to the inventor, and the citizenship, residence, and mailing address of the legal representative must be identified on the declaration.

The inventor's declaration filed on 15 December 2011 expressly identifies the name, citizenship, residence, and mailing address of all the inventors of record, including the deceased inventors.

The declaration also states that the legal representatives of deceased co-inventor Claudio CAVAZZA are Giulia Tagliafico, Anna Atti, Enrico Cavazza, Silvia Cavazza, Francesca Cavazza and Martina Cavazza. The declaration also states the citizenship, residence, and mailing address of each of the legal representative of deceased co-inventor Claudio CAVAZZA. However, the signatures of Anna Atti, Enrico Cavazza, Silvia Cavazza, Francesca Cavazza and Martina Cavazza are missing from the declaration.

In addition, the declaration is unacceptable at this time because it is not clear that Anna Atti, Enrico Cavazza, Silvia Cavazza, Francesca Cavazza and Martina Cavazza are the sole heir or just the legal representative for the deceased inventor, Claudio CAVAZZA. (See MPEP § 409.01(a)).

That is, there may be other heirs who are required to also sign the declaration. The declaration must indicate that Anna Atti, Enrico Cavazza, Silvia Cavazza, Francesca Cavazza and Martina Cavazza are the sole heir for the deceased inventor or are the legal representative (not including the term heir next to it so as to avoid confusion) for the deceased inventor, Claudio CAVAZZA, to accept the application under 37 C.F.R. 1.42.

Also, it is not clear that Gabriella Singrossi, Silvia Carminati and Giuseppe Paolo Carminati are the sole heir or just the legal representative for the deceased inventor, Paolo CARMINATI. (See MPEP § 409.01(a)).

As indicated above, there may be other heirs who are required to also sign the declaration. The declaration must indicate that Gabriella Singrossi, Silvia Carminati and Giuseppe Paolo Carminati are the sole heir for the deceased inventor or are the legal representative (not including the term heir next to it so as to avoid confusion) for the deceased inventor, Paolo CARMINATI, to accept the application under 37 C.F.R. 1.42.

Although, Giulia Tagliafico has indicated that she is the legal representative (Head of Corporate Patent Department of Sigma-Tau Industrie Farmaceutiche Riunite S.P.A.) on behalf and having power to act for deceased joint inventor Claudio CAVAZZA, it is unclear if she is acting on behalf of the applicant Sigma-Tau Industrie Farmaceutiche Riunite S.P.A. or the deceased joint inventor Claudio CAVAZZA. That is, is Giulia Tagliafico the legal representative of the deceased joint inventor Claudio CAVAZZA and authorized to act on Claudio CAVAZZA's legal behalf with respect to the filing of this aforementioned application?

If Giulia Tagliafico is acting just on behalf of the assignee, then she is not the legal representative for Claudio CAVAZZA.

Because the filed declaration does not include all the information required by 37 C.F.R. 1.497(b)(2), the declaration cannot be accepted on behalf of the deceased inventors under 37 C.F.R. 1.42 and 37 C.F.R. 1.497.

CONCLUSION

The request for status under 37 C.F.R. 1.42 with respect to deceased co-inventors Claudio CAVAZZA and Paolo CARMINATI is **DISMISSED** without prejudice.

The NOTICE OF ACCEPTANCEs mailed on 06 January 2012 and 13 January 2012 are **VACATED** with the mailing of this decision because the declaration filed on 15 December 2011 has not been properly executed.

Applicants have TWO (2) MONTHS from the mail date of this decision to submit a proper response under 37 C.F.R. 1.42 and 1.497. For legal representatives on behalf of a deceased inventor, applicants may attach Form PTO/SB/02LR with the newly executed declaration. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 C.F.R. 1.136(a).

A proper response must include a revised oath or declaration executed on behalf of the deceased inventor by his legal representative(s) containing all the information required under 37 CFR 1.497, including, as discussed above, the name, citizenship, residence, and mailing address of the legal representative, and also the relationship of the legal representative to the deceased inventor. Applicants must also submit payment of the $130 surcharge for filing the acceptable oath or declaration later than thirty months after the priority date.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael D. Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3276
Facsimile: 571-273-0459

Betelhem Shewareged
PCT Legal Detailee
PCT Legal Office

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/256,534	Filing date:	September 14, 2011
First Named Inventor:	Shinji NISHIYAMA		
Title of the Invention:	SEWING MACHINE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/001367

The international date of the corresponding PCT application(s) is/are: March 1, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/256,534
First Named Inventor:	Shinji NISHIYAMA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
11	1 Plus 8	U.S. claim 11 identical to PCT claim 1 plus PCT claim 8
12	2	U.S. claim 12 identical to PCT claim 2
13	3	U.S. claim 13 identical to PCT claim 3
14	4	U.S. claim 14 identical to PCT claim 4 except removal of mult. de
15	5	U.S. claim 15 identical to PCT claim 5
16	6	U.S. claim 16 identical to PCT claim 6 except removal of mult. de
17	7	U.S. claim 17 identical to PCT claim 7 except removal of mult. de
	8	Claim 8 of PCT Application was cancelled under Article 19, and tl
18	9	U.S. claim 18 identical to PCT claim 9 except removal of mult. de
19	10	U.S. claim 19 identical to PCT claim 10 except removal of mult. d

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /SMG/	Date 9/14/2011
Name (Print/Typed) Steven M. Gruskin	Registration Number 36,818

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

STATEMENT

I, Kenji Kanai, hereby state that I am knowledgeable in the Japanese and English languages, and that the attached documents are, to the best of my knowledge and brief, true and accurate English translations of i) the Written Opinion of the International Searching Authority issued in International Application No. PCT/JP2010/055993 of the International Searching Authority; and ii) the claims in International Application No. PCT/JP2010/055993 which the Written Opinion states meet the requirements of novelty, inventive step and industrial applicability.

02. 09. 2011 Kenji Kanai

Date

PATENT COOPERATION TREATY

From the

INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (*day/month/year*)	03. 08. 2010
Applicant's or agent's file reference PA0691WO	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date(*day/month/year*)	Priority date(*day/month/year*)
PCT/JP2010/055993	25.03.2010	27.03.2009

International Patent Classification (IPC) or both national classification and IPC
E05B65/20(2006.01)i, B60R25/00(2006.01)i

Applicant
AISIN SEIKI KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see Form PCT/ISA/220

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
	23.07.2010	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AU THORITY	International application No. PCT/JP2010/055992

. Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

a. (means)

☐ on paper

☐ in electronic form

b. (time)

☐ in the international application as filed

☐ together with the international application in electronic form

☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE

INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/JP2010/055993

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-4	YES
	Claims	NO
Inventive step (IS)	Claims 1-4	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-4	YES
	Claims	NO

2. Citations and explanations:

Document 1: JP 2008-214935 A (Aisin Seiki Kabushiki Kaisha) 18 September 2008, entire text, entire figures (No family)

Document 2: JP 2003-32862 A (Aisin Seiki Kabushiki Kaisha) 19 November 2003, entire text, entire figures (No family)

The invention as in claims 1-4 involves an inventive step over the documents 1 and 2 cited in the ISR. Documents 1 and 2 do not disclose that the receiving portion provided in the metal sub-plate is capable of being abutted with a back part of the child-proof lever. By virtue of this configuration, the present invention has an advantage that an incorrect operation of the child-proof lever is prevented.

English language translation of the claims in the international application No. PCT/JP2010/055993 which the Written Opinion says meet the novelty, inventive step and industrial applicability requirements.

1. A vehicle door locking device, comprising:

a base unit adapted to be installed in a vehicle door and provided with a latch mechanism for retaining the vehicle door in a closed state relative to a vehicle body;

a housing unit provided with an actuating mechanism for actuating the latch mechanism;

a metal sub-base plate provided in the base unit for assembling the base unit to the housing unit;

a child-proof lever provided in the housing unit, the child-proof lever assembled to the housing unit oscillatably on an axis extending in the vehicle width direction when the housing unit is installed in the vehicle door through the base unit, the child-proof lever being manually operable; and

a receiving portion provided in the metal sub-base plate, the receiving portion being capable of being abutted with a back part of the child-proof lever.

2. The vehicle door locking device according to claim 1, wherein

the child-proof lever has an operation knob integrally formed and bent toward the side of a front part of the child-proof lever,

the receiving portion is capable of being abutted with the back part of the child-proof lever at a base part of the operation knob, and

a lean in the vehicle width direction of the child-proof lever is restrained by the abutment.

3. The vehicle door locking device according to any of claim 1 and 2, wherein

a support shaft extending in the vehicle length direction is provided in the housing unit,

an attachment hole is provided in the metal sub-base plate and fitted to the support shaft in the axial direction thereof, and

the base unit is assembled to and integrated with the housing unit

by fitting the attachment hole to the support shaft.

4. The vehicle door locking device according to claim 3, wherein

a positioning pin extending in the vehicle length direction is provided in the housing unit, and

a positioning hole is provided in the metal sub-base plate and fitted to the positioning pin.

Patent
Attorney Docket No. 1033294-000089

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
	)	
Ryujiro AKIZUKI et al.	)	Confirmation No.: 9601
	)	
Application No.: 13/256,548	)	
	)	
Filed: September 14, 2011	)	
	)	
For: VEHICLE DOO0R LOCKING DEVICE	)	
	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/055993 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claims 1-4 in this U.S. national stage application are the same as Claims 1-4 respectively in the corresponding international application, except for elimination of multiple dependencies in Claim 3. New Claims 5 and 6 in this U.S. national stage application are the same as Claims 3 and 4 respectively in the corresponding international application, except that Claim 5 in the U.S. national stage application depends from Claim 2, and Claim 6 in the U.S. national stage application depends from Claim 5. The accompanying Request includes a claims correspondence table

indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application on September 14, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 14, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/256,548	Filing date:	September 14, 2011
First Named Inventor:	Ryujiro Akizuki et al.		
Title of the Invention:	VEHICLE DOOR LOCKING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/055993

The international date of the corresponding PCT application(s) is/are: March 25, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U,S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/256,548
First Named Inventor:	Ryujiro Akizuki et al.

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 14, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 14, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 is the same as PCT Claim 1 .
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3, except for dependency
4	4	U.S. Claim 4 is the same as PCT Claim 4.
5	3	U.S. Claim 5 is the same as PCT Claim 3, except for dependency.
6	4	U.S. Claim 6 is the same as PCT Claim 4, except for dependency.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew Schneider	Date	September 14, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

請 求 の 範 囲

1． 車両ドアに装着されるよう適合され車両ボデーに対して車両ドアを閉状態で保持するラッチ機構を備えるベースユニットと、

前記ラッチ機構を作動させる作動機構を備えるハウジングユニットと、

前記ベースユニットに備えられ前記ベースユニットを前記ハウジングユニットに組付ける金属製サブベースプレートと、

前記ハウジングユニットに備えられ前記ベースユニットを介して前記車両ドアに装着された状態で車幅方向に延びる軸線周りに揺動可能に組付けられていて手動で操作可能なチャイルドプルーフレバーと、

前記金属製サブベースプレートに設けられ前記チャイルドプルーフレバーの背部と当接可能な受け部と

を有する車両用ドアロック装置。

2． 前記チャイルドプルーフレバーは、前記チャイルドプルーフレバーの表部側に折り曲げ形成された操作ノブを一体に有し、前記受け部は、前記操作ノブの根元部分で前記チャイルドプルーフレバーの背部と当接可能であって、当該当接により前記チャイルドプルーフレバーの車幅方向への倒れを規制する、請求項1に記載の車両用ドアロック装置。

3． 前記ハウジングユニットに設けられた車両前後方向に延びる支持軸と、前記金属製サブベースプレートに設けられ前記支持軸にその軸方向にて嵌合される取付孔と、を有していて、前記取付孔と前記支持軸との嵌合によって前記ベースユニットが前記ハウジングユニットに組み付けられて一体化される、請求項1又は2に記載の車両用ドアロック装置。

4． 前記ハウジングユニットに設けられた車両前後方向に延びる位置決めピンと、前記金属製サブベースプレートに設けられ前記位置決めピンに嵌合される位置決め孔とを有する、請求項3に記載の車両用ドアロック装置。

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
特許業務法人プロスペック特許事務所
様

あて名
〒453-0801
日本国愛知県名古屋市中村区太閤三丁目１番１８号
名古屋ＫＳビル１２階

PROSPEC
2010. 8. 04
RECEIVED

ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	０３．０８．２０１０
出願人又は代理人 の書類記号　PA0691WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５５９９３	（日.月.年）　２５．０３．２０１０	（日.月.年）　２７．０３．２００９

国際特許分類（ＩＰＣ）Int.Cl. E05B65/20(2006.01)i, B60R25/00(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２３．０７．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　２Ｒ　９４１６ 深田　高義 電話番号　０３－３５８１－１１０１　内線　３２８５

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５５９９３

第Ｉ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a．提出手段　☐ 紙形式

☐ 電子形式

b．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５５９９３

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	１－４	有
	請求項		無
進歩性（ＩＳ）	請求項	１－４	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－４	有
	請求項		無

２．　文献及び説明

文献１：JP 2008-214935 A（アイシン精機株式会社）2008.09.18，全文、全図（ファミリーなし）
文献２：JP 2003-328623 A（アイシン精機株式会社）2003.11.19，全文、全図（ファミリーなし）

請求項１－４に係る発明は、国際調査報告で引用された文献１，２に対して進歩性を有する。文献１，２には、金属製サブベースプレートに設けられた受け部とチャイルドプルーフレバーの背部が当接可能である点が記載されておらず、一方、本願発明はそれによりチャイルドプルーフレバーの誤操作を防止するという有利な効果を発揮する。

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of
AKIZUKI et al.
Application No.: 13/256,548
Filed: September 14, 2011
Attorney Docket No.: 1033294-000089
For: VEHICLE DOOR LOCKING DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 14, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, Spain , Sweden, China or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED
SEP 28 2011
PCT LEGAL ADMINISTRATION

In re Application of: PALIN et al.	:	
U.S. Application No: 13 /256,553	:	
PCT Application No.: PCT/US2010/022869	:	DECISION ON PETITION
International Filing Date: 02 February 2010	:	UNDER
Priority Date: 04 February 2009	:	37 CFR 1.137(b)
Attorney's Docket No.: 2009.098-US-PCT	:	
For: ISOXAZOLE-3-CARBOXAMIDE	:	
DERIVATIVES	:	

This decision is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 14 September 2011.

BACKGROUND

On 02 February 2010, applicant filed international application PCT/US2010/022869 which claimed priority of earlier US application and EP application filed 04 February 2009. The thirty-month period for paying the basic national fee in the United States expired on 04 August 2011.

On 05 August 2011, international application PCT/US2010/022869 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 September 2011, applicant submitted in the United States Patent and Trademark Office a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*, the basic national fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously

filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371 by submitting the basic national fee.

With regard to item (2), applicant has provided the required petition fee set forth in 37 CFR 1.17(m).

With regard to item (3), applicant has provided the proper statement under 37 CFR 1.137(b)(3).

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reason above, the petition under 37 CFR 1.137(b) is **GRANTED**.

It should be noted that the amendment to the specification filed on 14 September 2011 stated "This application is the national stage application under 35 U.S.C. 371 of International Patent Application No.: PCT/**EP**2010/022869". However, the rest of the application papers reference International Application No.: PCT/**US**2010/022869--.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Seungsook Ham
Office of PCT Legal Administration
United States Patent and Trademark Office
Telephone: (571) 272-6095
Facsimile: (571) 273-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 28 2011
PCT LEGAL ADMINISTRATION

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of: RATCLIFFE et al.	:	
U.S. Application No: 13 /256,561	:	
PCT Application No.: PCT/EP2010/051251	:	DECISION ON PETITION
International Filing Date: 02 February 2010	:	UNDER
Priority Date: 04 February 2009	:	37 CFR 1.137(b)
Attorney's Docket No.: 2009.097-US-PCT	:	
For: ISOXAZOLE-5-CARBOXAMIDE	:	
DERIVATIVES	:	

This decision is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 14 September 2011.

BACKGROUND

On 02 February 2010, applicant filed international application PCT/EP2010/051251 which claimed priority of earlier US application and EP application filed 04 February 2009. The thirty-month period for paying the basic national fee in the United States expired on 04 August 2011.

On 05 August 2011, international application PCT/EP2010/051251 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 September 2011, applicant submitted in the United States Patent and Trademark Office a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*, the basic national fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously

filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371 by submitting the basic national fee.

With regard to item (2), applicant has provided the required petition fee set forth in 37 CFR 1.17(m).

With regard to item (3), applicant has provided the proper statement under 37 CFR 1.137(b)(3).

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reason above, the petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

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RESEARCH TRIANGLE PARK, NC 27709

MAILED
DEC 23 2011
PCT LEGAL ADMINISTRATION

In re Application of:	:	
DOCHNAHL ET AL.	:	DECISION
PCT Application No.: PCT/EP2010/053146	:	
U.S. Application No.: 13/256,564	:	
Int. Filing Date: 12 March 2010	:	UNDER
Priority Date: 16 March 2009	:	
Atty Docket No.: 13779-742	:	
For: PROCESS FOR THE PREPARATION OF	:	37 CFR § 1.181
PYRAZOLE DERIVATIVES	:	

This is in response to applicants' "PETITION UNDER 37 C.F.R. 1.181 TO CORRECT NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495" received on 14 October 2011. No petition fee is required.

BACKGROUND

On 12 March 2010, applicants filed international application PCT/EP2010/053146, which claimed priority to an European application filed on 16 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 16 September 2011.

On 14 September 2011, applicants filed national stage papers in the United States Designated/Elected (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (c)(1).

On 29 September 2011, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903). The Date of completion of all 35 U.S.C. 371 requirements was indicated as 16 September 2011.

On 14 October 2011, applicants filed the present petition under 37 CFR 1.181 to change the date of the completion of all 35 U.S.C. 371 requirements.

DISCUSSION

After reviewing the file, it is noted on the transmittal letter (Form PTO-1390) applicants expressly requested the Office to begin national examination procedure. Applicants have provided all the necessary requirements, i.e., declaration, basic national fee. Therefore, the date of completion of all 35 U.S.C. 371 requirements should be 14 September 2011.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 29 September 2011 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance with the date of completion of all 35 U.S.C. 371 requirements as 14 September 2011.

Bryan Lin

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Patent
Attorney Docket No. 1033294-000090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
Ryujiro AKIZUKI et al.	)	Confirmation No.: 6463
Application No.: 13/256,569	)	
Filed: September 14, 2011	)	
For: VEHICLE DOO0R LOCKING DEVICE	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/055992 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claims 1-6 in this U.S. national stage application are the same as Claims 1-6 respectively in the corresponding international application, except for elimination of multiple dependencies in Claims 5 and 6. New Claims 7 and 8 in this U.S. national stage application are the same as Claims 5 and 6 respectively in the corresponding international application, except for a difference in dependency -- Claims 5 and 6 in the international application depend from Claim 3 or Claim 4, whereas new Claims 7 and 8 depend from Claim 4. The accompanying Request includes a claims

correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application on September 14, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 14, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/256,569	Filing date:	September 14, 2011
First Named Inventor:	Ryujiro Akizuki et al.		
Title of the Invention:	VEHICLE DOOR LOCKING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/055992

The international date of the corresponding PCT application(s) is/are: March 25, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U,S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/256,569
First Named Inventor:	Ryujiro Akizuki et al.

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 14, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 14, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 is the same as PCT Claim 1 .
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3.
4	4	U.S. Claim 4 is the same as PCT Claim 4.
5	5	U.S. Claim 5 is the same as PCT Claim 5, except for dependency.
6	6	U.S. Claim 6 is the same as PCT Claim 6, except for dependency.
7	5	U.S. Claim 7 is the same as PCT Claim 5, except for dependency.
8	6	U.S. Claim 8 is the same as PCT Claim 6, except for dependency.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew L. Schneider	Date	September 14, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
特許業務法人プロスペック特許事務所
様

あて名
〒453-0801
日本国愛知県名古屋市中村区太閤三丁目１番１８号
名古屋ＫＳビル１２階

PROSPEC
2010. 8. 04
RECEIVED

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	０３．０８．２０１０
出願人又は代理人 の書類記号　PA0695WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５５９９２	（日.月.年）　２５．０３．２０１０	（日.月.年）　２３．０４．２００９

国際特許分類（ＩＰＣ）Int.Cl. E05B65/20(2006.01)i, B60R25/00(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２３．０７．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　２Ｒ　９４１６ 深田　高義 電話番号　０３－３５８１－１１０１　内線　３２８５

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５５９９２

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５５９９２

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求項	１－６	有
	請求項		無
進歩性（ＩＳ）	請求項	１－６	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－６	有
	請求項		無

2.　文献及び説明

文献１：JP 2001-241248 A（株式会社大井製作所）2001.09.04, 全文、全図（ファミリーなし）

請求項１－６に係る発明は、国際調査報告で引用された文献１に対して進歩性を有する。文献１にはキーロックレバー、または該キーロックレバーに代えて車両内側に位置するエマージェンシー操作部材の何れか一方を支持可能な支持部が記載されておらず、一方、本願発明はそれにより緊急時にエマージェンシー操作部材の手動操作によりロック・アンロック部材を解錠位置から施錠位置に駆動することができるという有利な効果を発揮する。

請 求 の 範 囲

1． 車両のドアを車両ボデーに対して開放可能な状態とすべくラッチ機構をラッチ状態からアンラッチ状態に作動させるオープン機構と、

このオープン機構に介在するロック・アンロック部材を施錠位置又は解錠位置に駆動可能なアクティブレバーを備えていて、前記オープン機構の作動を規制又は許容して前記ドアの施錠又は解錠を行うロック機構と、

前記アクティブレバーを介して前記ロック・アンロック部材を施錠位置又は解錠位置に駆動する電動式アクチュエータと、

前記オープン機構、前記ロック機構及び前記電動式アクチュエータを収容するハウジングと、

前記ラッチ機構の上方にて前記ハウジングに組付けられていて、前記ドアの室内側から手動操作可能で、前記アクティブレバーを介して前記ロック・アンロック部材を解錠位置から施錠位置に駆動可能なエマージェンシー操作部材と、

前記ハウジングに設定され、車両外側に位置するキーシリンダと連係し且つ同キーシリンダへのメカニカルキー操作により前記アクティブレバーを駆動可能なキーロックレバー、または、該キーロックレバーに代えて車両内側に位置する前記エマージェンシー操作部材の何れか一方を支持可能な支持部と

を備える車両用ドアロック装置。

2． 前記支持部は、前記キーシリンダの操作力を伝達し且つ前記キーロックレバーに連係する連結シャフトをガイドする曲面を形成するように、車両外側部位から車両外側に突出するガイド部を備える

ことを特徴とする請求項1に記載の車両用ドアロック装置。

3． 前記ハウジングは、前記ドア内における室外側に面するハウジングボディと、該ハウジングボディに組付けられ前記ドア内における室内側に面するハウジングカバーとを備えていて、

前記支持部は、前記ハウジングカバーに形成され前記エマージェンシー操作部

材を回転自在に支持する取付孔、または、前記ハウジングボディに形成され前記キーロックレバーを回転自在に支持する取付孔の何れか一方として構成される、
ことを特徴とする請求項１に記載の車両用ドアロック装置。

４．　前記ハウジングは、前記ドア内における室外側に面するハウジングボディと、該ハウジングボディに組付けられ前記ドア内における室内側に面するハウジングカバーとを備えていて、
　前記支持部は、前記ハウジングカバーに形成され前記エマージェンシー操作部材を回転自在に支持する取付孔、または、前記ハウジングボディに形成され前記ガイド部と連通して前記キーロックレバーを回転自在に支持する取付孔の何れか一方として構成される
ことを特徴とする請求項２に記載の車両用ドアロック装置。

５．　前記エマージェンシー操作部材は、前記ハウジングカバーに形成された前記取付孔に回転自在に支持され且つ前記ハウジング外に端面が露出する軸部を有する、
ことを特徴とする請求項３または４に記載の車両用ドアロック装置。

６．　前記キーロックレバーは、前記ハウジングボディに形成され前記取付孔に回転自在に支持され前記ハウジング外に端面が露出するアウトサイドロッキングレバーを介して前記ハウジングボディの前記取付孔に回転自在に支持される、
ことを特徴とする請求項３または４に記載の車両用ドアロック装置。

STATEMENT

I, Kenji Kanai, hereby state that I am knowledgeable in the Japanese and English languages, and that the attached documents are, to the best of my knowledge and brief, true and accurate English translations of i) the Written Opinion of the International Searching Authority issued in International Application No. PCT/JP2010/055992 of the International Searching Authority; and ii) the claims in International Application No. PCT/JP2010/055992 which the Written Opinion states meet the requirements of novelty, inventive step and industrial applicability.

02. 09. 2011 Kenji Kanai

Date

PATENT COOPERATION TREATY

From the

INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (*day/month/year*)	03. 08. 2010
Applicant's or agent's file reference PA0695WO	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date(*day/month/year*)	Priority date(*day/month/year*)
PCT/JP2010/055992	25.03.2010	23.04.2009

International Patent Classification (IPC) or both national classification and IPC
E05B65/20(2006.01)i, B60R25/00(2006.01)i

Applicant
AISIN SEIKI KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see Form PCT/ISA/220

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
	23.07.2010	

WRITTEN OPINION OF THE

INTERNATIONAL SEARCHING AU THORITY

International application No.
PCT/JP2010/055992

. Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/JP2010/055992

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2001-241248 A (Kabushiki Kaisha Ooi Seisakusho) 4 September 2001, entire text, entire figures (No family)

The invention as in claims 1-6 involves an inventive step over the document 1 cited in the ISR. Documents 1 do not disclose a support portion being capable of supporting any one of a key lock lever and the emergency operation member positioned on the inner side of the vehicle instead of the key lock lever. By virtue of this configuration, the present invention has an advantage that the lock/unlock member can be driven from the unlocking position to the locking position through the active lever by a manual operation of the emergency operation member at the time of emergency.

English language translation of the claims in the international application No. PCT/JP2010/055992 which the Written Opinion says meet the novelty, inventive step and industrial applicability requirements.

CLAIMS

1. A vehicle door locking device, comprising:

an open mechanism for actuating a latch mechanism from a latch state to an unlatch state in a manner that a vehicle door is openable relative to a vehicle body;

a lock mechanism provided with an active lever capable of driving a lock/unlock member placed in the open mechanism to a locking position or an unlocking position, the lock mechanism for restraining or permitting an action of the open mechanism so as to lock or unlock the door;

an electric actuator for driving the lock/unlock member to the locking position or the unlocking position through the active lever;

a housing accommodating the open mechanism, the lock mechanism, and the electric actuator;

an emergency operation member assembled into the housing on the upper side of the latch mechanism, the emergency operation member being manually operable from the indoor side of the door, the emergency operation member being capable of driving the lock/unlock member from the unlocking position to the locking position through the active lever; and

a support portion set in the housing, the support portion being capable of supporting any one of a key lock lever linked with a key cylinder positioned on the outer side of the vehicle, the key lock lever being capable of driving the active lever by a mechanical key operation to the key cylinder, and the emergency operation member positioned on the inner side of the vehicle instead of the key lock lever.

2. The vehicle door locking device according to claim 1, wherein

the support portion is provided with a guide portion protruding toward the outer side of the vehicle from a part on the outer side of the vehicle in a manner that a curved surface for guiding a coupling shaft which transmits operation force of the key cylinder and is linked with the key lock lever is formed.

3. The vehicle door locking device according to claim 1, wherein

the housing is provided with a housing body facing the outdoor side in the door, and a housing cover assembled to the housing body, the housing cover facing the indoor side in the door, and

the support portion is formed as any one of an attachment hole formed in the housing cover, the attachment hole rotatably supporting the emergency operation member, and an attachment hole formed in the housing body, the attachment hole rotatably supporting the key lock lever.

4. The vehicle door locking device according to claim 2, wherein

the housing is provided with a housing body facing the outdoor side in the door, and a housing cover assembled to the housing body, the housing cover facing the indoor side in the door, and

the support portion is formed as any one of an attachment hole formed in the housing cover, the attachment hole rotatably supporting the emergency operation member, and an attachment hole formed in the housing body, the attachment hole communicating with the guide portion and rotatably supporting the key lock lever.

5. The vehicle door locking device according to any of claim 3 and 4, wherein

the emergency operation member has a shaft portion rotatably supported by the attachment hole formed in the housing cover, and an end surface of the shaft portion is exposed outside the housing.

6. The vehicle door locking device according to any of claim 3 and 4, wherein

the key lock lever is rotatably supported by the attachment hole of the housing body through an outside locking lever rotatably supported by the attachment hole formed in the housing body, and an end surface of the outside locking lever is exposed outside the housing.

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Suite 1200
Washington DC 20006

MAILED
NOV 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
IWAI et al	:	
Application No.: 13/256,591	:	
PCT No.: PCT/JP2010/001839	:	PAPERS FILED
Int. Filing Date: 15 March 2010	:	
Priority Date: 16 March 2009	:	
Attorney's Docket No.: 009289-11165	:	UNDER 37 CFR 1.42
For: SCHEDULING DEVICE AND SCHEDULING	:	
METHOD	:	

This is a decision on the declaration filed 14 September 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 June 2011, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an executed declaration under 35 U.S.C. 371(c)(4).

The executed declaration filed on that indicates that Megumi ICHIKAWA is the legal representative of the deceased joint inventor, Kenichi MIYOSHI.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship, residence, and mailing addresses of Megumi ICHIKAWA (legal representative) and the citizenship, residence and mailing address of the deceased joint inventor, Kenichi MIYOSHI, is on the declaration. Thus, the necessary information has been provided on the declaration. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PROPERTY OFFICE (JPO) AND THE USPTO

Application No.:	Not Yet Assigned	Filing Date:	September 14, 2011
Confirmation No.:	Not Yet Assigned	Attorney Docket No.:	Q126484
First Named Inventor:	Toshiaki KAKINAMI		
Title of the Invention:	CAMERA CALIBRATION APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/071166

The international date of the corresponding PCT application(s) is/are: December 18, 2009

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

☑ Is attached.

☐ Is <u>not</u> attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

☑ Is attached.

☐ Is <u>not</u> attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application

☑ Is attached.

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM
BETWEEN THE JAPAN PROPERTY OFFICE (JPO) AND THE USPTO
(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Toshiaki KAKINAMI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14	1 +2	Claim 14 is identical to original PCT claims 1 plus 2. In the Article 19 Amendment, claim 1 was amended to include the recitations of claim 2, and claim 2 was cancelled.
15	3	Both claims are the same, except that multiple dependencies are removed.
16	4	Both claims are the same, except that multiple dependencies are removed.
17	5	Both claims are the same, except that multiple dependencies are removed.
18	6	Both claims are the same, except that multiple dependencies are removed.
19	7	Both claims are the same.
20	8	Both claims are the same.
21	9	Both claims are the same.
22	10	Both claims are the same, except that multiple dependencies are removed.
23	11	Both claims are the same, except that multiple dependencies are removed.
24	12	Both claims are the same, except that multiple dependencies are removed.
25	13	Both claims are the same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

☑ **The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.**

☐ **Credit Card.**

SEND ALL CORRESPONDENCE TO:
The address associated with Customer Number:

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Signature	/SMG/	Date	September 14, 2011
Name (Print/Typed)	Steven M. Gruskin	Registration Number	36,818

Translation of the Japanese claims

CLAIMS

1. (Amended) A camera calibration apparatus comprising:

an image obtaining section for obtaining a captured image including at least four indexes having a planar preferential calibration index arranged in a specified region and a planar non-preferential calibration index arranged in a non-specified region other than the specified region, the specified region and the non-specified region being defined in a first plane in a photographing view field of a camera;

an index information storing section for determining the positional relationship between the preferential calibration index and the non-preferential calibration index in advance, and storing the coordinate positions of the preferential calibration index and the non-preferential calibration index in the first plane as actual coordinate positions;

a preferential calibration index position calculating section for calculating the coordinate position of the preferential calibration index in the image;

a non-preferential calibration index position calculating section for calculating the coordinate position of the non-preferential calibration index in the image by referring to the positional relationship and the calculated coordinate position of the preferential calibration index;

a homography calculating section for calculating a homography between a captured-image surface of the captured image and the first plane based on the actual coordinate positions and the calculated coordinate positions of the calibration indexes representing the coordinates of at least four points; and

a calibration section for performing calibration of the camera by using the homography,

wherein the specified region is a near-side region having a short-range object distance from the camera, and the non-preferential calibration index is arranged in a far-side region having a long-range object distance from the camera.

2. (Canceled)

3. (Amended) The camera calibration apparatus as claimed in claim 1 or 2,

wherein the image obtaining section obtains the captured image from each of a plurality of cameras having different photographing view fields,

wherein the captured image from each camera includes a common region shared with the captured image of an adjacent camera and an exclusive region that is not shared in the first plane,

wherein the non-preferential calibration index is arranged in the common region while the preferential calibration index is arranged in the exclusive region, and

wherein the calibration section performs camera calibration for the plurality of cameras by using the homography calculated for each camera.

4. (Amended) The camera calibration apparatus as claimed in any one of claims 1 to 3,

wherein the camera is a camera mounted on a movable body,

wherein the first plane is a road surface, and

wherein each of the calibration indexes is a marker arranged parallel to the road surface and having a planar pattern.

5. (Amended)The camera calibration apparatus as claimed in any one of claims 1 to 3,

wherein the camera is a camera mounted on a movable body,

wherein the first plane is a road surface, and

wherein each of the calibration indexes is a marker as a pattern depicted in the road surface.

6. (Amended) The camera calibration apparatus as claimed in any one of claims 3 to 5, wherein the camera includes a front camera having a photographing view field of a forward region of the movable body, a right-side camera having a photographing view field of a right-side region of the movable body, a left-side camera having a photographing view field of a left-side region of the movable body, and a rear camera having a photographing view field of a rearward region of the movable body.

7. The camera calibration apparatus as claimed in claim 1,

wherein the preferential calibration index includes planar near-side calibration indexes representing the coordinates of at least four points arranged in a near-side region defined within the first plane and having a short-range object distance from the camera,

wherein the non-preferential calibration index includes at least one planar far-side calibration index arranged in a far-side region having a long-range object distance from the camera,

wherein the homography calculating section includes a preliminary homography calculating section and a precise homography calculating section,

wherein the preferential calibration index position calculating section is formed as a far-side index position estimating section for estimating the position of the far-side calibration index in the captured image by using a preliminary homography,

wherein the non-preferential calibration index position calculating section is formed as a far-side index position calculating section for calculating the coordinate position of the far-side calibration index in the captured image as a calculated coordinate position by using the estimated position,

wherein the preliminary homography calculating section calculates the

preliminary homography between a captured-image surface of the captured image and the first plane based on the actual coordinate positions and the calculated coordinate positions of the near-side calibration indexes representing the coordinates of at least four points, and

wherein the precise homography calculating section calculates a precise homography between the captured-image surface of the captured image and the first plane based on the calculated coordinate positions of selected indexes representing the coordinates of at least four points selected from the near-side calibration indexes and the far-side index calculated by the far-side index position calculating section and their corresponding actual coordinate positions.

8. The camera calibration apparatus as claimed in claim 7, wherein the selected calibration indexes used for calculating the precise homography are selected to allow a region sectioned by the selected calibration indexes to define a wide area in the captured-image surface.

9. The camera calibration apparatus as claimed in claim 8,

wherein the camera is a camera mounted on a movable body,

wherein the first plane is a road surface, and

wherein each of the calibration indexes is a marker as a pattern depicted in the road surface.

10. The camera calibration apparatus as claimed in claim 8 or 9,

wherein the image obtaining section obtains the captured image from each of a plurality of cameras having different photographing view fields and each having a common region shared with the captured image of an adjacent camera in the first plane,

wherein the common region includes at least one common calibration index, and

wherein the calibration section performs calibration of the adjacent camera based on the positional relationship of the common calibration index in the captured image of the adjacent camera that is obtained by using the precise homography.

11. (Amended) The camera calibration apparatus as claimed in any one of claims 8 to 10, wherein the near-side calibration indexes are arranged in a region having a short-range object distance in the vicinity of a photographing center line in the captured image of each camera, and the common calibration index is arranged in a region having a long-range object distance in a peripheral portion of the captured image of each camera.

12. (Amended) The camera calibration apparatus as claimed in claim 10 or 11,

wherein the camera is a camera mounted on a movable body,

wherein the camera includes a front camera having a photographing view field of

a forward region of the movable body, a right-side camera having a photographing view field of a right-side region of the movable body, a left-side camera having a photographing view field of a left-side region of the movable body, and a rear camera having a photographing view field of a rearward region of the movable body,

wherein the first plane is a road surface,

wherein the near-side calibration indexes are four markers depicted on the road surface, and

wherein the far-side calibration index includes two markers depicted on the road surface and located apart from each other and from the near-side calibration indexes.

13. A camera calibration apparatus comprising:

an image obtaining section for obtaining a captured image including planar near-side calibration indexes representing at least four coordinates arranged in a near-side region having a short-range object distance from a camera, and at least one far-side calibration index arranged in a far-side region having a long-range object distance from the camera, the near-side region and the far-side region being defined in a first plane in a photographing view field of the camera;

an index information management section for managing the coordinate positions of the near-side calibration indexes and the far-side calibration index in the first plane as actual coordinate positions;

a near-side index position calculating section for calculating the coordinate positions of the near-side calibration indexes in the captured image as calculated coordinate positions;

a preliminary homography calculating section for calculating a preliminary homography between a captured-image surface of the captured image and the first plane based on the actual coordinate positions and the calculated coordinate positions of the near-side calibration indexes representing the coordinates of at least four points;

a far-side index position estimating section for estimating the position of the far-side calibration index in the captured image by using the preliminary homography;

a far-side calibration index position calculating section for calculating the coordinate position of the far-side calibration index in the captured image as a calculated coordinate position by using the estimated position;

a precise homography calculating section for calculating a precise homography between the captured-image surface of the captured image and the first plane based on the calculated coordinate positions of selected indexes representing the coordinates of at least four points selected from the near-side calibration indexes calculated by the near-side index position calculating section and the far-side index calculated by the far-side index position calculating section and their corresponding actual coordinate positions; and

a calibration section for performing calibration of the camera by using the precise

homography.

Japanese claims that have been found allowable

請求の範囲

［請求項１］（補正後）　カメラの撮影視界における第１平面内で規定された特定領域に配置された平面状の優先校正指標と前記特定領域以外の領域に配置された平面状の非優先校正指標とからなる少なくとも４つの校正指標を含む撮影画像を取得する画像取得部と、

前記優先校正指標と前記非優先校正指標との位置関係を予め設定するとともに、前記第１平面における前記優先校正指標と前記非優先校正指標との座標位置を実座標位置として格納する指標情報格納部と、

前記優先校正指標の画像上の座標位置を算定する優先校正指標位置算定部と、

前記位置関係及び算定された前記優先校正指標の座標位置を参照して前記非優先校正指標の画像上の座標位置を算定する非優先校正指標位置算定部と、

前記少なくとも４点の座標を表す校正指標の実座標位置と算定座標位置とから前記撮影画像の撮影画像面と前記第１平面との間のホモグラフィを算定するホモグラフィ算定部と、

前記ホモグラフィを用いて前記カメラの校正を行う校正部と、

を備え、

前記特定領域は前記カメラからの撮影距離が短い近傍領域であり、前記非優先校正指標は前記カメラからの撮影距離が長い遠方領域に配置されているカメラ校正装置。

［請求項２］（削除）

［請求項３］　前記画像取得部は異なる撮影視界を有する複数のカメラからの撮影画像を取得し、前記各カメラからの撮影画像には隣り合うカメラの撮影画像の間で前記第１平面において共有している共有領域と共有していない専有領域とが含まれており、前記共有領域に前記非優先校正指標が配置されているとともに前記専有領域に前記優先校正指標が配置されており、前記校正部は前記カメラ毎に算定されたホモグラフィを用いて前記複数のカメラの校正を行う請求項１または２に記載のカメ

ラ校正装置。

［請求項４］　前記カメラが移動体に取り付けられたカメラであり、前記第１平面は路面であり、前記校正指標は前記路面と平行に配置される、平面模様を有するマーカである請求項１から３のいずれか一項に記載のカメラ校正装置。

［請求項５］　前記カメラが移動体に取り付けられたカメラであり、前記第１平面は路面であり、前記校正指標は前記路面に描画された模様としてのマーカである請求項１から３のいずれか一項に記載のカメラ校正装置。

［請求項６］　前記カメラには、移動体前方を撮影視界とする前方カメラと、移動体右側方を撮影視界とする右側方カメラと、移動体左側方を撮影視界とする左側方カメラと、移動体後方を撮影視界とする後方カメラが含まれている請求項３から５のいずれか一項に記載のカメラ校正装置。

［請求項７］　前記優先校正指標が、前記第１平面内で規定された、前記カメラからの撮影距離が短い近傍領域に配置された少なくとも４点の座標を表す平面状近傍校正指標であり、

前記非優先校正指標が、前記カメラからの撮影距離が長い遠方領域に配置された少なくとも１つの平面状遠方校正指標であり、

前記ホモグラフィ算定部が予備ホモグラフィ算定部と精密ホモグラフィ算定部とを備え、かつ

前記優先校正指標位置算定部が前記予備ホモグラフィを用いて前記撮影画像における前記遠方校正指標の存在位置を推定する遠方指標位置推定部として構成され、

前記非優先校正指標位置算定部が前記推定された存在位置を用いて前記撮影画像における前記遠方校正指標の座標位置を算定座標位置として算定する遠方指標位置算定部として構成され、

前記予備ホモグラフィ算定部が、前記少なくとも４点の座標を表す近傍校正指標の実座標位置と算定座標位置とから前記撮影画像の撮影画像面と前記第１平面との間の予備ホモグラフィを算定し、

前記精密ホモグラフィ算定部が、前記近傍校正指標及び前記遠方指標位置算定部によって算定された遠方指標のうちから選択された少なくとも４点の座標を表す選択指

標の算定座標位置及びこれらに対応する実座標位置とから前記撮影画像の撮影画像面と前記第１平面との間の精密ホモグラフィを算定する、請求項１に記載のカメラ校正装置。

［請求項８］　前記精密ホモグラフィを算定するために用いられる選択校正指標は、当該選択校正指標によって区画される領域が前記撮影画像面の中で広い範囲に分布するように選択される請求項７に記載のカメラ校正装置。

［請求項９］　前記カメラが移動体に取り付けられたカメラであり、前記第１平面は路面であり、前記校正指標は前記路面に描画された模様としてのマーカである請求項８に記載のカメラ校正装置。

［請求項１０］　前記画像取得部は、異なる撮影視界を有するとともに隣り合うカメラの撮影画像における前記第１平面で共通する共通領域を有する複数のカメラからの撮影画像を取得し、前記共通領域には少なくとも１つの共通校正指標が位置しており、前記校正部は前記精密ホモグラフィを用いて得られた隣り合うカメラの撮影画像における前記共通校正指標の位置関係から前記隣り合うカメラの校正を行う請求項８または９に記載のカメラ校正装置。

［請求項１１］　前記近傍校正指標が各カメラの撮影画像における撮影中心線近傍で撮影距離の短い領域に位置するように配置されており、前記共通校正指標が各カメラの撮影画像における周辺部で撮影距離の長い領域に位置するように配置されている請求項８から１０のいずれか一項に記載のカメラ校正装置。

［請求項１２］　前記カメラが移動体に取り付けられたカメラであり、前記カメラには、前記移動体の前方を撮影視界とする前方カメラと、前記移動体の右側方を撮影視界とする右側方カメラと、前記移動体の左側方を撮影視界とする左側方カメラと、前記移動体の後方を撮影視界とする後方カメラが含まれており、

前記第１平面は路面であり、前記近傍校正指標が前記路面に描画された４つのマーカであり、前記遠方校正指標が前記路面に描画された互いにかつ前記近傍校正指標から遠く離れた２つのマーカである請求項１０または１１に記載のカメラ校正装置。

［請求項１３］　カメラの撮影視界における第１平面内で規定された、前記カメラか

らの撮影距離が短い近傍領域に配置された少なくとも４点の座標を表す平面状近傍校正指標及び前記カメラからの撮影距離が長い遠方領域に配置された少なくとも１つの平面状遠方校正指標と含む撮影画像を取得する画像取得部と、

前記第１平面における前記近傍校正指標と前記遠方校正指標との座標位置を実座標位置とし管理している指標情報管理部と、

前記撮影画像における前記近傍校正指標の座標位置を算定座標位置として算定する近傍指標位置算定部と、

前記少なくとも４点の座標を表す近傍校正指標の実座標位置と算定座標位置とから前記撮影画像の撮影画像面と前記第１平面との間の予備ホモグラフィを算定する予備ホモグラフィ算定部と、

前記予備ホモグラフィを用いて前記撮影画像における前記遠方校正指標の存在位置を推定する遠方指標位置推定部と、

前記推定された存在位置を用いて前記撮影画像における前記遠方校正指標の座標位置を算定座標位置として算定する遠方校正指標位置算定部と、

前記近傍指標位置算定部によって算定された近傍指標及び前記遠方指標位置算定部によって算定された遠方指標のうちから選択された少なくとも４点の座標を表す選択指標の算定座標位置及びこれらに対応する実座標位置とから前記撮影画像の撮影画像面と前記第１平面との間の精密ホモグラフィを算定する精密ホモグラフィ算定部と、

前記精密ホモグラフィを用いて前記カメラの校正を行う校正部と、

を備えたカメラ校正装置。

Translator's Declaration

I, Junichi KURAUCHI, hereby state that I am knowledgeable in the Japanese and English languages and that the attachments are, to the best of my knowledge and belief, true and accurate English translations of the Written Opinion of the International Searching Authority issued in International Application No. PCT/JP2009/071166 and of originally filed Claims 1-13 which the aforementioned Written Opinion states meet the novelty, inventive step and industrial applicability requirements.

September 1, 2011
Date

Junichi Kurauchi
Signature

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43 bis. 1)

1. This opinion contains indications relating to the following items:

☒	Box No. I	Basis the opinion
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

a. (type)

☐ sequence listing

☐ table related to sequence listing

b. (means)

☐ on paper

☐ in electronic form

c. (time)

☐ in the international application as filed

☐ together with the international application in electronic form

☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No.V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty(N)	Claims	1-13	YES
	Claims		NO
Intensive step(IS)	Claims	2, 3, 7-13	YES
	Claims	1, 4-6	NO
Industrial applicability(IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

D1: JP2008-187564A
D2: JP2006-148745A
D3: JP2002-288661A
D4: JP2004-037270A

D1 (paragraphs [0026] - [0074], Figs. 1 - 12) or D2 (paragraphs [0019] - [0078], Figs. 1 - 8) cited in the International Search Report describes, as a method for calibrating a camera mounted on a vehicle, an invention in which four or more markers arranged on the ground are captured and a homography matrix is obtained for performing a planar projective transformation.

D3 (paragraphs [0040] - [0071], Figs. 2 - 3) describes a well-known technique of a mark position detection, in which a position of a first mark is detected and then a detection of a position of a second mark whose relative position to the first mark is known is performed within a region on the basis of the detected first mark position and the relative position.

D4 (paragraphs [0049] - [0063], Figs. 2 - 4) describes an invention in which a first mark is extracted, a projective transformation is performed using an image coordinate value of the extracted first mark, an approximate position of a second mark is calculated, and then a precise position of the second mark is obtained.

Therefore, the inventions of claims 1 and 4 - 6 would have been easily conceived of by one skilled in the art by applying the well-known technique of D3 to the invention described in D1 or D2, and thus have no inventive step.

However, claims 2, 3, 7 and 13 have the features to the effect that the preferential calibration index is arranged in a near-side region having a short-range object distance from the camera and the non-preferential calibration

index is arranged in a far-side region having a long-range object distance from the camera, and that the non-preferential calibration index is arranged in a common region shared with the captured image of an adjacent camera in the first plane while the preferential calibration index is arranged in the exclusive region that is not shared. D1 - D4 cited in the International Search Report fail to describe or suggest these features, and thus the inventions according to claims 2, 3, 7 and 13 are not described nor suggested by any of D1 - D4.

特許協力条約

受領日 2010. 1. 27 北村国際特許事務所

発信人　日本国特許庁（国際調査機関）

代理人
北村修一郎
様

あて名
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ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	２６．０１．２０１０
出願人又は代理人 の書類記号　PCT109-092	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００９／０７１１６６	（日.月.年）　１８．１２．２００９	（日.月.年）　２６．０３．２００９

国際特許分類（ＩＰＣ）Int.Cl. G06T3/00(2006.01)i, H04N5/232(2006.01)i, H04N7/18(2006.01)i, B60R1/00(2006.01)n

出願人（氏名又は名称）
アイシン精機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１５．０１．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 佐田　宏史 電話番号　０３－３５８１－１１０１　内線　３５３１	５Ｈ　４１８９

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／０７１１６６

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

ａ．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

ｂ．フォーマット　☐ 紙形式

☐ 電子形式

ｃ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2009／071166

第Ｖ欄 新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	1-13	有
	請求項		無
進歩性（ＩＳ）	請求項	2, 3, 7-13	有
	請求項	1, 4-6	無
産業上の利用可能性（ＩＡ）	請求項	1-13	有
	請求項		無

2. 文献及び説明

文献１：JP 2008-187564 A
文献２：JP 2006-148745 A
文献３：JP 2002-288661 A
文献４：JP 2004-037270 A

国際調査報告で引用された文献１（段落【００２６】－【００７４】、図１－１２）または文献２（段落【００１９】－【００７８】、図１－８）において、車両に設置されたカメラの校正方法として、地面に設置された４以上のマーカを認識して、平面投影変換を行うためのホモグラフィ行列を求める発明について記載されている。

文献３（段落【００４０】－【００７１】、図２－３）において、マークの位置検出として、第１のマーク位置を検出後、第１マークとの相対位置が既知である第二マークの検出を、前記検出した第１マークの位置と前記相対位置とに基づいた領域内で行う周知技術について記載されている。

文献４（段落【００４９】－【００６３】、図２－４）において、第１マークを抽出し、抽出された第１マークの画像座標から射影変換を求め、第２マークの概略位置を演算してから、第２マークの位置を精密に求める発明について記載されている。

したがって、請求項１，４－６に係る発明は、文献１または文献２に記載された発明に、文献３に記載された周知技術を適用することで、当業者にとって容易であるので、進歩性を有しない。

しかし、請求項２，３，７，１３に係る発明の、カメラからの撮影距離が短い近傍領域に優先校正指標を、撮影距離が長い遠方領域に非優先校正指標を配置すること、及び、隣り合うカメラの撮影画像の間で第１平面において共有している共有領域に非優先校正指標を、共有していない専有領域に優先校正指標を配置することについて、国際調査報告で引用された文献１－４には、記載も示唆もされていないから、請求項２，３，７－１３に係る発明は、いずれの文献に対しても記載も示唆もされていない。

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/256,620	Filing date:	09-14-2011
First Named Inventor:	Albert W. Gebhard		
Title of the Invention:	Counter Top Beverage Chiller with Advertising Indicia and Related Advertising Methods		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/33425

The international filing date of the corresponding PCT application(s) is/are: 05-03-2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/256,620
First Named Inventor:	Albert W. Gebhard

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Identical
3-7	3-7	Minor changes to remove multiple dependencies
8	8	Identical
9-10	9-10	Minor changes to remove multiple dependencies
11-12	11-12	Identical
13-17	13-17	Minor changes to remove multiple dependencies
18	18	Identical
19-20	19-20	Minor changes to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Margaret Polson/	Date 11-18-2011
Name (Print/Typed) Margaret Polson	Registration Number 42082

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Oppedahl Patent Law Firm LLC (P&A)
12000 Pecos Street #252
Westminster, CO 80234

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
Albert W. Gebhard
Application No.: 13/256,620
Filed: September 14, 2011
Attorney Docket No.: 00012.P-AL03-500US
For: COUNTER TOP BEVERAGE CHILLER WITH ADVERTISING INDICIA AND RELATED ADVERTISING METHODS

: DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 18, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails to meet requirement (7).

Regarding the requirement of (7), applicant has failed to provide an entire copy of the reference documents cited for KR 20-0242113. In this regard, the documents filed on November 18, 2011, contains five (5) pages, in which, page one cites KR 20-0393213 instead of KR 20-0242113. The parent application has been reviewed but does not contain copies of the reference either. Therefore, the present petition cannot be granted at this time.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

Application No. 13/256,620

RENEWED REQUEST TO MAKE SPECIAL UNDER PCT – PATENT PROSECUTION HIGHWAY

We have received the Dismissal dated February 22, 2012 of our Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a).

The request and petition were dismissed for the following reason:

Regarding the requirement of (7), applicant has failed to provide an entire copy of the reference documents cited for KR 20-0242113. In this regard, the documents filed on November 18, 2011, contains five (5) pages, in which, page one cites KR 20-0393213 instead of KR 20-0242113. The parent application has been reviewed but does not contain copies of the reference either. Therefore, the present petition cannot be granted at this time.

Attached herewith is the full and correct copy of cited reference KR 20-0242113.

We note that, in the Discussion of the reasons for dismissal, requirements (1)-(6) and (8) have already been met. Having now satisfied requirement (7), we respectfully request that the request and petition now be granted.

/Margaret Polson/

Margaret Polson
Reg. No. 42082

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 27 2012
OFFICE OF PETITIONS

Oppedahl Patent Law Firm LLC (P&A)
12000 Pecos Street #252
Westminster, CO 80234

In re Application of	:
Albert W. Gebhard	: DECISION ON REQUEST TO
Application No.: 13/256,620	: PARTICIPATE IN THE PATENT
Filed: September 14, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 00012.P-AL03-500US	: PROGRAM AND PETITION
For: COUNTER TOP BEVERAGE	: TO MAKE SPECIAL UNDER
CHILLER WITH ADVERTISING INDICIA	: 37 CFR 1.102(a)
AND RELATED ADVERTISING	:
METHODS	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 18, 2011 and renewed on March 8, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petition

PTO/SB/28PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	13/256,717	Filing date:	September 15, 2011
First Named Inventor:	Timothy Allen Jenkins		
Title of the Invention:	Bio-Stimulant for Improved Plant Growth and Development		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/NZ2009/000037

The international filing date of the corresponding PCT application(s) is/are: March 23, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). This information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	13/256,717
First Named Inventor:	Timothy Allen Jenkins

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 15, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 15, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1, 2, 4, 11-16, 21, and 22	1, 2, 4, 11-16, 21, and 22	Identical
3 and 5-10	3 and 5-10	Identical except for claims 3 and 5-10 in US Application depend from only claim 1
17-20	17-20	Identical except for claims 17-20 in US Application depend from only claim 15

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 9/22/11
Name (Print/Typed) Scott A. Brairton	Registration Number 55,020

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Robert Snoep
Create IP
20 Bealey Avenue
PO Box 35-132
Shirley
Christchurch 8640
NEW ZEALAND

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)* 15 FEB 2011

Applicant's or agent's file reference
DON104PCT

IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/NZ2009/000037	23 March 2009	23 March 2009

Applicant

DONAGHYS INDUSTRIES LIMITED et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/AU	Authorized officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	DANELLE BEATTIE AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 7971

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference DON104PCT	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT/NZ2009/000037**	International filing date *(day/month/year)* 23 March 2009	Priority date *(day/month/year)* 23 March 2009

International Patent Classification (IPC) or national classification and IPC

Int. Cl.

A01N 63/02 (2006.01) *C12P 1/04* (2006.01) *C12R 1/645* (2006.01)
A01N 63/04 (2006.01) *C12R 1/01* (2006.01)
C12P 1/02 (2006.01) *C12R 1/46* (2006.01)

Applicant

DONAGHYS INDUSTRIES LIMITED et al

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. [X] *(sent to the applicant and to the International Bureau)* a total of 2 sheets, as follows:
      - [X] sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - [ ] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. [ ] *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).
4. This report contains indications relating to the following items:

[X]	Box No. I	Basis of the report
[ ]	Box No. II	Priority
[ ]	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
[ ]	Box No. IV	Lack of unity of invention
[X]	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
[ ]	Box No. VI	Certain documents cited
[ ]	Box No. VII	Certain defects in the international application
[ ]	Box No. VIII	Certain observations on the international application

Date of submission of the demand 21 January 2011	Date of completion of this report 02 February 2011
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	Authorized Officer **DANELLE BEATTIE** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 7971

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NZ2009/000037

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

   [X] The international application in the language in which it was filed

   [ ] A translation of the international application into , which is the language of a translation furnished for the purposes of:

   [ ] international search (under Rules 12.3(a) and 23.1 (b))

   [ ] publication of the international application (under Rule 12.4(a))

   [ ] international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   [ ] the international application as originally filed/furnished

   [X] the description:

   pages **1-12** as originally filed/furnished
   pages* received by this Authority on with the letter of
   pages* received by this Authority on with the letter of

   [X] the claims:

   pages as originally filed/furnished
   pages* as amended (together with any statement) under Article 19
   pages* **13-14** received by this Authority on **21 January 2011** with the letter of 21 January 2011
   pages* received by this Authority on with the letter of

   [X] the drawings:

   pages **1/1** as originally filed/furnished
   pages* received by this Authority on with the letter of
   pages* received by this Authority on with the letter of

   [ ] a sequence listing - see Supplemental Box Relating to Sequence Listing

3. [ ] The amendments have resulted in the cancellation of:

   [ ] the description, pages
   [ ] the claims, Nos.
   [ ] the drawings, sheets/figs
   [ ] the sequence listing *(specify)*:

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (*c-bis*)).

   [ ] the description, pages
   [ ] the claims, Nos.
   [ ] the drawings, sheets/figs
   [ ] the sequence listing *(specify)*:

5. [ ] This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

6. [ ] Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-22	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-22	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this opinion:

D1: Derwent DWPI Online Abstract Accession No. 2009-A66791[03], KR 20080032809 A (REPUBLIC OF KOREA MANAGEMENT MINISTRY) 16 April 2008

D2: US 2004/0050335 A1 (MULLER ET. AL.) 18 March 2004

D3: US 2004/0228931 A1 (CHOKSHI ET. AL.) 18 November 2004

D4: WO 2001/083400 A2 (MASHAR) 8 November 2001

D5: Derwent DWPI Online Abstract Accession No. 2008-F24679[35], KR 20070112994 A (GIM CHIN YONG) 28 November 2007

D6: Derwent DWPI Online Abstract Accession No. 2007-405294[39], CN 1900027 A (YAN JIANHUA) 24 January 2007

D7: Derwent DWPI Online Abstract Accession No. 2007-832003[78], CN 1966663 A (LI JI) 23 May 2007

SUBJECT MATTER

The subject matter of the present application relates to a bio-stimulant composition comprising a mixture of cellular lysis components; wherein said composition is useful for promoting plant growth and/or development.

Claim 1 is directed to a composition, for improving plant growth or development, comprising a fermentation broth formulated for foliar application; wherein said broth includes a mixture of cellular components produced via the cultivation and subsequent lysis of one or more strains of bacteria, and one or more strains of yeast, grown to a range of 10^6 - 10^{10}cfu/ml.

Claim 15 is directed to a method for improving plant growth or plant development by means of applying a fermentation broth to a plant; wherein said broth comprises a mixture of cellular components produced via the cultivation and subsequent lysis of one or more strains of bacteria, and one or more strains of yeast.

...../Continued in supplemental box 1

Supplemental Box 1

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

NOVELTY (N)

Claims 1-22 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose:

i. a composition, for improving plant growth, comprising a fermentation broth formulated for foliar application; wherein said broth includes a mixture of cellular components produced via the cultivation and subsequent lysis of one or more strains of bacteria, and one or more strains of yeast, grown to a range of 10^6 - 10^{10}cfu/ml (claims 1-14); or

ii. a method for improving plant growth which involves the step of applying a fermentation broth to a plant; wherein said broth comprises a mixture of cellular components produced via the cultivation and subsequent lysis of one or more strains of bacteria, and one or more strains of yeast (claims 15-22).

INVENTIVE STEP (IS)

Claims 1-22 meet the criteria set out in PCT Article 33(3) with regard to the requirement of inventive step, because none of the compositions disclosed in the prior art obviously suggest a means, or composition, for improving plant growth, as claimed above.

D1-D3 disclose various health food and health care compositions comprising mixtures of cellular lysis components derived from one or more strains of bacteria, and one or more strains of yeast.

D1 discloses a cell wall lysis composition comprising yeast and bacteria, for use as a vaccine antigen, immuno-enhancer, or complex feed additive . The lysis composition is prepared by, firstly, culturing gram-positive bacteria, gram-negative bacteria, and yeast, to produce a mixed microbial culture; and secondly, bio-chemically and chemically treating the mixed microbial culture to liberate useful cell wall components. The cell wall components are then extracted to yield a cell wall lysis composition. The gram negative bacteria include strains of *Escherichia coli*, whilst the gram-positive bacteria include those strains derived from staphylococcus. The yeast is selected from strains such as *saccharomyces cerevisiae*.

D2 discloses an animal feed supplement comprising a dried fermented composition. The dried fermented microbial composition is prepared by fermenting a suitable substrate using fungi, yeast, and/or bacteria ([0021]). Prior to drying, the fermented microbial composition is optionally subjected to further treatment, which includes lysis and/or killing of the biomass ([0062]). The yeast is preferably selected from strains such as *saccharomyces cerevisiae*; whilst the bacteria are preferably selected from coryneform, or Bacilliceae ([0021]).

D3 discloses the preparation of a glycoprotein matrix complex, for use in treating hormonal imbalances in females; wherein said complex is prepared in the presence a plant derivative/material, such as soy, chasteberry, clover and black cohosh (Abstract). According to Examples 1-4 (see [0078]-[0097]) the plant derivative plus glycoprotein matrix complex may be prepared via the following sequence of steps:

i) Formulating an aqueous solution of the plant material/derivative and an amino-acid peptone;

ii) Inoculating the aforementioned solution with an active yeast culture comprising *saccharomyces cerevisiae*, Maltose and gum;

iii) fermenting the combined yeast and plant/derivate based solutions (using a carbohydrate substrate) for four to six hours;

...../Continued in supplemental box 2

Supplemental Box 2

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Supplemental Box 1

iv) Adding *Lactobacillus Acidophillus* to the live fermented solution and continuing the fermentation for a further 2 hours;

v) Heating the fermented solution to 160-170 F (71-77°C) to deactivate, or kill, the yeast and bacterial micro-organisms;

vi) homogenising and spray drying the deactivated fermented solution to release cellular components and yield a dried plant derivative plus glycoprotein matrix complex.

Notably, none of the prior art documents D1-D3 disclose the concentration of yeast and bacteria contained in the fermented solutions; nor do they disclose compositions formulated for foliar application (i.e. in liquid sprayable form). As the compositions of D1-D3 have been developed, or tailored, towards overcoming problems prevalent in the field of animal and human health care; it is considered that these documents cannot be used to formulate an opinion on inventive step because such said problems are considered to be markedly distinct from those encountered, and addressed, in the current application.

Therefore the subject matter of claims 1-22 is not obvious in view of the disclosure of D1-D3.

D4-D7 are related to the art of bio-stimulant formulation, and are considered to be the closest prior art.

D4 discloses a bio-organic fertiliser composition comprising equal amounts of a "Bio-Agent" complex culture mix and a "Bio-Plus" fermentation nutrition product. The "Bio-Agent" comprises a mixture of commercial and active cultures; wherein said commercial culture includes a mixture of microbial cultures comprising *lactobacillus sp., phosphate solvent bacteria, Azospirillum sp.* and *yeast* (p 12 ln 25-27); and the active culture includes a number of indigenous micro-organisms (such as *Rhizobium sp. Bradyhizobium* and *Mycorhiza*). The second component of the fertiliser composition, i.e. the "Bio-Plus" solution, comprises a fermented mixture, including yeast, sucrose, various vitamins, minerals, organic and inorganic compounds, as well as phosphate solvent bacteria, and other micro-organisms (p 8 ln 3-6; p14 ln 30 – p 14 ln 15).

According to D4, the "Bio-Plus" solution functions to control the growth of micro-organisms present in the "Bio-Agent" and facilitates the development of bio-active compounds (including enzymes, hormones, and vitamins) which are involved in, or responsible for, plant growth and development (p 8 ln 7-9; p 7 ln 3-5). The conditioned, *live*, micro-organisms present in the bio-organic fertiliser effectively accelerate plant growth and production by synergising with indigenous natural microbes in the soil and secreting bio-active components responsible for promoting growth.

D5-D7 disclose (see Abstracts) various forms of biological organic fertilisers/nutricultures which promote plant growth and productivity. The fertilisers/nutricultures described are prepared from fermentation broths comprising various strains of bacteria and yeast.

Notably none of the documents D4-D7 describe the production of lysates, whereby cellular components of yeast and bacteria are liberated via cell destruction. As the efficacy of the bio-organic fertilisers/ nutricultures disclosed in D4-D7, appear to be intimately linked to the presence of *live* microbial culture; it is considered that the preparation of a lysate composition would not be obvious to a person skilled in the art seeking to develop an improved/alternate bio-stimulant composition.

Therefore D4-D7 do not disclose, nor obviously suggest, a means, or composition, for improving plant growth, as presently claimed.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

What is claimed is:

1. A composition for improving plant growth or plant development comprising a fermentation broth formulated for foliar application, wherein the fermentation broth comprises a mixture of cellular components from one or more strains of bacteria and one or more strains of yeast which have been grown in a broth to a range of about 10^8 to about 10^{10} cfu/ml and then lysed in the broth.

2. The composition of claim 1, wherein the bacteria are selected from the group consisting of *Lactobacillus*, *Streptococcus*, and *Propionibacter* strains.

3. The composition of claim 1 or claim 2, wherein the yeast are selected from *Saccharomyces* strains.

4. The composition of claim 1, wherein the bacteria are one or more of *Lactobacillus plantarum*, *Streptococcus thermophilus* or *Propionibacter freudenreichii*.

5. The composition of claim 1 or claim 4, wherein the yeast are *Saccharomyces cerevisiae*.

6. The composition of any one of claims 1 to 5, wherein the one or more strains of bacteria or one or more strains of yeast are grown to a range of about 10^7 cfu/ml to about 10^8 cfu/ml.

7. The composition of any one of claims 1 to 6, wherein the bacteria and the yeast are lysed by application of an increase in pressure followed by a rapid decrease in pressure.

8. The composition of any one of claims 1 to 6, wherein the bacteria and the yeast are lysed by a fixed geometry fluid processor.

9. The composition of any one of claims 1 to 8, wherein the composition further comprises any one of a fertiliser, herbicide, insecticide, fungicide or mineral solution.

10. The composition of any one of claims 1 to 9, wherein the composition further comprises urea.

11. The composition of claim 10, wherein the urea is included at a range of about 0.15 kg/L to about 0.25 kg/L.

12. The composition of claim 10, wherein the urea is included at a range of about 0.18 kg/L to about 0.22 kg/L.

13. The composition of claim 10, wherein the urea is included at a range of about 0.35 kg/L to about 0.45 kg/L.

14. The composition of claim 10, wherein the urea is included at a range of about 0.38 kg/L to about 0.42 kg/L.

15. A method for improving plant growth or plant development comprising applying to a plant a composition comprising a fermentation broth, wherein the fermentation broth comprises a mixture of cellular components from one or more strains of bacteria and one or more strains of yeast which have been grown in a broth and then lysed in the broth, thereby improving the plant growth or plant development.

16. The method of claim 15, wherein the bacteria are selected from the group consisting of *Lactobacillus*, *Streptococcus*, and *Propionibacter* strains.

17. The method of claim 15 or claim 16, wherein the yeast are selected from *Saccharomyces* strains.

18. The method of any one of claims 15 to 17, wherein the one or more strains of bacteria or one or more strains of yeast are grown to a range of about 10^6 cfu/ml to about 10^{10} cfu/ml.

19. The method of any one of claims 15 to 18, wherein the composition further comprises any one of a fertiliser, herbicide, insecticide, fungicide or mineral solution.

20. The method of any one of claims 15 to 19, wherein the composition further comprises urea.

21. The method of claim 20, wherein the urea is included at a range of about 0.15 kg/L to about 0.25 kg/L.

22. The method of claim 20, wherein the urea is included at a range of about 0.35 kg/L to about 0.45 kg/L.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JAN 12 2012
OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of	**: DECISION ON REQUEST TO**
Koji HAYASHI	**: PARTICIPATE IN THE PATENT**
Application No. 13/256,724	**: PROSECUTION HIGHWAY**
Filed: December 12, 2011	**: PROGRAM AND PETITION**
Attorney Docket No. 086746-0034	**: TO MAKE SPECIAL UNDER**
For: Method for Producing Phosphorus-Containing Phenolic Compound,...	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

MAILED
OCT 26 2011
PCT LEGAL ADMINISTRATION

In re Application of
VARGAS CERVANTES et al
Application No.: 13/256,835
PCT No.: PCT/MX2009/000021
Int. Filing Date: 10 March 2009
ATTY Docket No.: MR3269-71
For: CARD HOLDER AND SIMILAR ELEMENTS

PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 15 September 2011.

BACKGROUND

Applicants filed international application, PCT/MX2009/000021, on 10 March 2009. The international application became abandoned at midnight on 10 September 2011 based on applicant's failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 15 September 2011, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $810 petition fee has been charged.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of Form PCT/DO/EO/905 for the missing oath or declaration.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

In re Application of:
KURTZ, Anthony, et al.,
U.S. Application No.: 13/256,874
PCT No.: PCT/US2010/033601
International Filing Date: 04 May 2010
Priority Date: 04 May 2009
Attorney's Docket No.: KULITE166CIP
For: TORQUE INSENSITIVE HEADER ASSEMBLY

DECISION ON SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' 15 September 2011 filing of a declaration executed on behalf of deceased co-inventor Anthony KURTZ by his legal representative, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 04 May 2010, applicants filed international application PCT/US2010/033601. The international application claimed a priority date of 04 May 2009, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 November 2011.

On 15 September 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a declaration executed by the two surviving inventors of record and on behalf of deceased inventor Anthony KURTZ by his legal representative, Nora Kurtz. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497. Here, the declaration filed 15 September 2011 identifies Nora Kurtz as the legal representative of deceased inventor Anthony KURTZ, states the citizenship, residence, and mailing address the legal representative, and states the name and citizenship of all the inventors of record, including the deceased inventor. The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Anthony KURTZ is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Patent
Attorney Docket No. 1034290-000066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
Yasuo OZAWA et al.	)	Confirmation No.: 9283
Application No.: 13/256,883	)	
Filed: September 15, 2011	)	
For: VALVE TIMING CONTROL APPARATUS	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/052075 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claims 1-12 in this U.S. national stage application are the same as Claims 1-12 respectively in the corresponding international application, except for elimination of multiple dependencies in Claims 4, 7, 8 and 10-12. The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application on September 15, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 22, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/256,883	Filing date:	September 15, 2011
First Named Inventor:	Yasuo OZAWA et al.		
Title of the Invention:	VALVE TIMING CONTROL APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/052075

The international date of the corresponding PCT application(s) is/are: February 12, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U,S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/256,883
First Named Inventor:	Yasuo OZAWA et al.

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 15, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 15, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 is the same as PCT Claim 1.
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3.
4	4	U.S. Claim 4 is the same as PCT Claim 4 except for dependency.
5	5	U.S. Claim 5 is the same as PCT Claim 5.
6	6	U.S. Claim 6 is the same as PCT Claim 6.
7	7	U.S. Claim 7 is the same as PCT Claim 7, except for dependency..
8	8	U.S. Claim 8 is the same as PCT Claim 8, except for dependency.
9	9	U.S. Claim 9 is the same as PCT Claim 9.
10	10	U.S. Claim 10 is the same as PCT Claim 10, except for dependency.
11	11	U.S. Claim 11 is the same as PCT Claim 11, except for dependency.
12	12	U.S. Claim 12 is the same as PCT Claim 12, except for dependency.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew Schn	Date	September 22, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

Translator's Declaration

I, Takatoshi KOBAYASHI, hereby state that I am knowledgeable in the Japanese and English languages and that the attachments are, to the best of my knowledge and belief, true and accurate English translations of the Written Opinion of the International Searching Authority issued in International Application No. PCT/JP2010/052075 and of originally filed Claims 1-12 which the aforementioned Written Opinion states meet the novelty, inventive step and industrial applicability requirements.

9/16/2011

Date

T. Kobayashi

Signature

特許協力条約

発信人　日本国特許庁（国際調査機関）

受領日
2010. 3. 10
北村国際特許事務所

代理人
北村修一郎
様

あて名
〒530-0005
日本国大阪府大阪市北区中之島三丁目３番３号

ＰＣＴ
国際調査機関の見解書
（法施行規則第 40 条の 2）
〔ＰＣＴ規則 43 の 2.1〕

発送日 （日.月.年）	０９．０３．２０１０
出願人又は代理人 の書類記号　PCT110-003	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５２０７５	（日.月.年）　１２．０２．２０１０	（日.月.年）　０１．０７．２００９

国際特許分類（ＩＰＣ）Int.Cl. F01L1/34(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２４．０２．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 中村　則夫 電話番号　０３－３５８１－１１０１　内線　３３５５	３Ｇ	９１４８

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５２０７５

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５２０７５

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	１－１２	有
	請求項		無
進歩性（ＩＳ）	請求項	１－１２	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－１２	有
	請求項		無

２．　文献及び説明

文献１：JP 11-311107 A（アイシン精機株式会社）1999.11.09,
請求項１、図２-図６ & US 6053139 A & DE 19918910 A1
文献２：JP 2002-357105 A（株式会社デンソー）2002.12.13,
請求項１、図１-図５ & US 2002/0139332 A1 & DE 10213831 A

請求項１－１２に係る発明は、国際調査報告で引用された上記文献１、２に対して新規性、進歩性を有する。

文献１、２にはいずれも、「規制部材による規制を解除する流体をロック部材に供給可能で、ロック部材によるロックを解除する流体を規制部材に供給不可能な連通流路とを備え、規制部材は連通流路を連通又は非連通に切り換える」点が記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	09.03.2010
Applicant's or agent's file reference PCT/10-003	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/052075	12.02.2010	01.07.2009

International Patent Classification (IPC) or both national classification and IPC

F01L 1/34 (2006.01)i

Applicant

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Facsimile No.	24.02.2010	Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/052075

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
   - [X] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)
   - [ ] on paper
   - [ ] in electronic form

   b. (time)
   - [ ] in the international application as filed
   - [ ] together with the international application in electronic form
   - [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No.V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty(N)	Claims	1-12	YES
	Claims		NO
Intensive step(IS)	Claims	1-12	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 11-311107 A (Aishin Seiki Co., Ltd) November 09, 1999
Claim 1, Figs. 2-6 & US 6053139 A & DE 19918910 A1
Document 2: JP 2002-357105 A (Denso Corporation) December 13, 2002
Claim 1, Figs. 1-5 & US 2002/0139332 A1 & DE 10213831 A1

The subject matters relating to claims 1-12 have novelty and inventive steps over the above Documents 1 and 2 cited in the International Search Report.

Neither Document 1 nor Document 2 describe provision of "a communication passageway capable of feeding fluid releasing the restriction by the restricting member to the locking member and incapable of feeding fluid releasing the locking by the locking member to the restricting member" and "said restricting member switching over said communication passageway to a communicating state or to a non-communicating state". And, these would not have been readily arrived at by one skilled in the art.

請求の範囲

[請求項1] 内燃機関のクランクシャフトに対して同期回転する駆動側回転部材と、

前記駆動側回転部材に対して同軸上に配置され、前記内燃機関の弁開閉用のカムシャフトに同期回転する従動側回転部材と、

前記駆動側回転部材と前記従動側回転部材とで形成された流体圧室と、

前記流体圧室を進角室と遅角室とに仕切るよう前記駆動側回転部材及び前記従動側回転部材の少なくとも一方に設けられた仕切部と、

前記駆動側回転部材又は前記従動側回転部材の何れか一方の回転部材に配置されると共に、何れか他方の回転部材に対して出退可能な規制部材と、

前記他方の回転部材に形成され、前記規制部材が突入して、前記駆動側回転部材に対する前記従動側回転部材の相対回転位相を最進角位相又は最遅角位相の何れか一方から前記最進角位相と前記最遅角位相との間の所定位相までの範囲に規制する規制凹部と、

前記規制部材を設けた前記一方の回転部材に配置されると共に、前記他方の回転部材に対して出退可能なロック部材と、

前記他方の回転部材に形成され、前記ロック部材が突入して、前記駆動側回転部材に対する前記従動側回転部材の相対回転位相を前記所定位相にロックするロック凹部と、

前記規制部材による規制を解除する流体を前記ロック部材に供給可能で、前記ロック部材によるロックを解除する流体を前記規制部材に供給不可能な連通流路とを備え、

前記規制部材は前記連通流路を連通又は非連通に切り換える弁開閉時期制御装置。

[請求項2] 前記連通流路を連通させた状態で、前記規制部材による規制を解除し、前記ロック部材によるロックを解除する第１状態と、前記ロック

部材によるロックを解除し、前記規制部材により規制する第２状態と、前記連通流路を非連通とした状態で、前記規制部材を規制し、前記ロック部材をロックする第３状態とに切換可能に構成してある請求項１に記載の弁開閉時期制御装置。

[請求項3] 前記進角室及び前記遅角室のうち何れか一方に流体を供給して前記第３状態から前記第２状態に移行し、前記進角室及び前記遅角室のうち何れか他方に流体を供給して前記第２状態から前記第１状態に移行するよう構成されている請求項２に記載の弁開閉時期制御装置。

[請求項4] 前記第１状態と、前記第２状態と、前記第３状態とに切換可能な流体制御手段は、

前記規制部材の規制を解除する流体が注入される第１流体室を備えつつ、前記一方の回転部材に形成された、前記規制部材を収容する規制部材収容部と、

前記ロック部材のロックを解除する流体が注入される第２流体室と、当該第２流体室とは別に設けられ、ロック解除された前記ロック部材をロック解除状態に保持する流体が注入される第３流体室とを備えつつ、前記一方の回転部材に形成された、前記ロック部材を収容するロック部材収容部と、

前記進角室及び前記遅角室のうち何れか一方と、前記第１流体室とを連通する規制解除流路と、

前記進角室及び前記遅角室のうち何れか他方と、前記第２流体室とを連通するロック解除流路と、

前記第１流体室と前記第３流体室とを連通するよう構成された前記連通流路とを備え、

前記規制解除流路を介して、前記第１流体室・前記連通流路・前記第３流体室に流体を供給して前記第１状態と、

前記ロック解除流路を介して、前記第２流体室に流体を供給して前記第２状態と、

前記第１流体室・前記第２流体室・前記第３流体室の何れにも流体を供給せず前記第３状態とに切換可能に構成されている請求項２又は３に記載の弁開閉時期制御装置。

[請求項5] 前記規制解除流路は、

前記規制部材が前記規制凹部に突入している状態で、前記進角室及び前記遅角室のうち何れか一方と前記第１流体室とを連通可能な規制時連通路と、

前記規制部材が前記規制凹部から退出している状態で、前記進角室及び前記遅角室のうち何れか一方と前記第１流体室とを連通する解除時連通路と、

を備えている請求項４に記載の弁開閉時期制御装置。

[請求項6] 前記規制時連通路は、

前記規制部材が、前記最進角位相又は前記最遅角位相の何れか一方から前記所定位相までの範囲内で移動する際に、

前記駆動側回転部材と前記従動側回転部材とが前記所定位相にある状態から、最進角位相又は最遅角位相の何れか一方の位相に向かって予め設定した位相以内にあるとき、

前記進角室及び前記遅角室のうち何れか一方と前記第１流体室とが非連通となるように構成してある請求項５に記載の弁開閉時期制御装置。

[請求項7] 前記カムシャフトの回転角度を検出する角度センサが、前記進角室及び前記遅角室のうち何れか一方と前記第１流体室とが前記規制解除流路により連通する相対回転位相であることを検出し、当該検出時の相対回転移動を所定時間継続した後、相対回転移動の方向を切り換えて、前記第２状態から前記第１状態に移行するよう構成されている請求項４から６の何れか一項に記載の弁開閉時期制御装置。

[請求項8] 前記規制部材が前記規制凹部に突入可能な相対回転位相のときに、前記第２状態に移行すべく相対回転移動の方向を切り換え、その後に

前記規制部材が前記規制凹部に突入可能な相対回転位相外に相対回転移動した際には、相対回転移動の方向を戻し、前記規制部材が前記規制凹部に突入可能な相対回転位相となってから、再度相対回転移動の方向を切り換えるリトライ制御を実行する請求項２から７の何れか一項に記載の弁開閉時期制御装置。

[請求項9] 前記リトライ制御の際に相対回転移動の方向を切り換える相対回転位相を、その直前に相対回転移動の方向を切り換えたときの相対回転位相よりも前記所定位相側に所定間隔異なる位相となるように構成されている請求項８に記載の弁開閉時期制御装置。

[請求項10] 前記規制部材が、前記最進角位相又は前記最遅角位相の何れか一方から前記所定位相までの範囲内で移動する際、もしくは前記ロック部材がロック状態の際に、

前記進角室及び前記遅角室のうち何れか一方と前記第１流体室とが連通していないとき、前記第１流体室に連通して大気開放するドレン流路を形成してある請求項１から９の何れか一項に記載の弁開閉時期制御装置。

[請求項11] 前記流体供給制御手段は、内燃機関の回転速度が予め設定した値以下となった状態で、前記規制部材及び前記ロック部材を、順次、前記第１状態・前記第２状態・前記第３状態に移行させるよう構成してある請求項１から１０の何れか一項に記載の弁開閉時期制御装置。

[請求項12] 前記規制部材及び前記ロック部材には、前記規制部材及び前記ロック部材を前記規制凹部の側及び前記ロック凹部の側に各別に付勢する付勢部材をそれぞれ備えている請求項１から１１の何れか一項に記載の弁開閉時期制御装置。

Claims

1. A valve timing control apparatus comprising:

a driving-side rotary member rotated in synchronism with a crankshaft of an internal combustion engine;

a driven-side rotary member disposed coaxially with the driving-side rotary member and rotated in synchronism with a valve opening/closing cam shaft of the internal combustion engine;

a fluid pressure chamber formed by the driving-side rotary member and the driven-side rotary member;

a partitioning section provided in at least one of the driving-side rotary member and the driven-side rotary member for partitioning the fluid pressure chamber into an advanced angle chamber and a retarded angle chamber;

a restricting member disposed in either one rotary member of the driving-side rotary member and the driven-side rotary member and capable of projecting/retracting relative to the other rotary member of the same;

a restricting recess portion formed in the other rotary member for receiving the restricting member projected therein for restricting a relative rotational phase of the driven-side rotary member relative to the driving-side rotary member within a range from either one of a most advanced angle phase and a most retarded angle phase to a predetermined phase between the most advanced angle phase and the most retarded angle phase;

a locking member disposed in said one rotary member provided with said restricting member and capable of projecting/retracting relative to said other rotary member;

a locking recess portion formed in said other rotary member for receiving the locking member projected therein for locking the relative rotational phase of the driven-side rotary member to the driving-side rotary

member to said predetermined phase;

a communication passageway capable of feeding fluid releasing the restriction by the restricting member to the locking member and incapable of feeding fluid releasing the locking by the locking member to the restricting member; and

said restricting member switching over said communication passageway to a communicating state or to a non-communicating state.

2. The valve timing control apparatus according to claim 1, wherein the apparatus is capable of selectively providing a first state wherein the restriction by the restricting member is released and the locking by the locking member is released and a second state wherein the locking by the locking member is released and the restriction is provided by the restricting member, the first state and the second state both being provided with the communication passageway being set at the communicating state, and a third state wherein the restriction by the restricting member is provided and the locking by the locking member is provided, the third state being provided with the communication passageway being set at the non-communicating state

3. The valve timing control apparatus accordng to claim 2, wherein transition from the third state to the second state is effected by feeding fluid to either one of the advanced angle chamber and the retarded angle chamber and the transition from the second state to the first state is effected by feeding fluid to the other of the advanced angle chamber and the retarded angle chamber.

4. The valve timing control apparatus according to claim 2 or 3, wherein the apparatus further comprises a fluid controlling means that can be switched over to the first state, the second state or the third state, and

wherein said fluid controlling means includes:

a restricting member accommodating portion having a first fluid chamber for receiving the fluid for releasing the restriction by the restricting member, said restricting member accommodating portion being formed in said one rotary member for accommodating the restricting member,

a locking member accommodating portion having a second fluid chamber for receiving the fluid for releasing the locking of the locking member and a third fluid chamber provided separately from said second fluid chamber for receiving the fluid for retaining the lock-released locking member under this lock-released state, said locking member accommodating portion being formed in said one rotary member for accommodating said locking member,

a restriction releasing passageway for establishing communication between one of said advanced angle chamber and said retarded angle chamber and said first fluid chamber,

a lock releasing passageway for establishing communication between the other of said advanced angle chamber and said retarded angle chamber and said second fluid chamber; and

said communication passageway configured to establish communication between said first fluid chamber and said third fluid chamber;

wherein said fluid controlling means selectively provides said first state by feeding fluid to said first fluid chamber, said communication passageway, said third passageway via said restriction releasing passageway,

said fluid controlling means selectively provides said second state by feeding fluid to said second fluid chamber via said lock releasing passageway, and

said fluid controlling means selectively provides said third state by

feeding fluid to none of said first fluid chamber, said second chamber and said third chamber.

5. The valve timing control apparatus according to claim 4, wherein said restriction releasing passageway includes:

a restricting-time communication passageway capable of establishing communication between either one of the advanced angle chamber and the retarded angle chamber and the first fluid chamber when the restricting member is projected into the restricting recess portion, and

a releasing-time communication passageway capable of establishing communication between either one of the advanced angle chamber and the retarded angle chamber and the first fluid chamber when the restricting member is retracted away from the restricting recess portion.

6. The valve timing control apparatus according to claim 5, wherein said restricting-time communication passageway is configured to provide non-communication between one of said advanced angle chamber and said retarded angle chamber and said first fluid chamber when the driving-side rotary member and the driven-side rotary member are located within a preset phase toward one of said most advanced angle phase and said most retarded angle phase from the condition of the driving-side rotary member and the driven-side rotary member being at said predetermined phase, when said restricting member moves within the range from either one of the most advanced angle phase and the most retarded angle phase to said predetermined phase.

7. The valve timing control apparatus according to any one of claims 4-6, wherein there is provided an angle sensor for detecting a rotational angle of said camshaft;

said angle sensor being configured to detect establishment of a

relative rotational phase where either one of the advanced angle chamber and the retarded angle chamber is communicated with the first fluid chamber via the restriction releasing passageway; and

after continuation of a relative rotational movement at the time of said detection for a predetermined period, the direction of the relative rotational movement is switched over to shift from the second state to the first state.

8. The valve timing control apparatus according to any one of claims 2-7, wherein the apparatus is configured to effect a retrial control wherein when the restricting member is located at a relative rotational phase where the restricting member can project into the restricting recess portion, the direction of the relative rotational movement is switched over to shift to the second state and thereafter, when the restricting member has moved to a relative rotational movement to outside of the relative rotational phase where the restricting member can project into the restricting recess portion, the direction of the relative rotational movement is first reverted and then switched over after the restricting member has moved to the relative rotational phase where the restricting member can project into the restricting recess portion.

9. The valve timing control apparatus according to claim 8, wherein the relative rotational phase where the direction of the relative rotational movement is switched over at the time of the retrial control is set as a phase that differs by a predetermined distance on the side of said predetermined phase than a relative rotational phase where the direction of the relative rotational movement was switched over immediately before.

10. The valve timing control apparatus according to any one of claims 1-9, wherein there is provided a drain passageway which becomes

communicated with the first fluid chamber for discharging to the atmosphere when either one of the advanced angle chamber and the retarded angle chamber is not communicated with the first fluid chamber when the restricting member is moved within the range from one of the most advanced angle phase and the most retarded angle phase to said predetermined phase or when said locking member is under the locking state.

11. The valve timing control apparatus according to any one of claims 1-10, wherein said fluid feeding controlling means is configured to shift said restricting member and said locking member to the first state, the second state and the third state one after another, when the rotational speed of the internal combustion engine becomes a value lower than a preset value.

12. The valve timing control apparatus according to any one of claims 1-11, wherein said restricting member and said locking member are respectively provided with an urging member for urging said restricting member or said locking member toward the restricting recess portion or toward the locking recess portion.

*****

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Jan Liska		
Title of the Invention:	INSERTER ASSEMBLY FOR A PERIPHERAL CATHETER WITH A PLASTER MEMBER, METHOD OF CONFIGURING THE INSERTER ASSEMBLY WITH THE PERIPHERAL CATHETER, AND METHOD OF PERFORMING A BLOOD VESSEL PUNCTURE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/053039

The international filing date of the corresponding PCT application(s) is/are: March 10, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Jan Liska

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16	4	Current claim 16 is the combination of PCT claims 1 and 4
17	5	
18-19	2-3	
20-26	6-12	
27	13	Current claim 27 is a combination claim whereas PCT claim 13 is a use claim.
28	14	
29	15	Claim 29 omits the optional step of claim 15
30	15	Claim 29 recites the optional step of claim 15

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Allan A Fanucci	Date 9-15-11
Name (Print/Typed) Allan A. Fanucci	Registration Number 30,256

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
HOLME PATENT A/S
Vesterbrogade 20
DK-1620 Copenhagen V
DANEMARK

Received
04 JUNI 2010
HOLME PATENT A/S

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)*	07/06/2010
Applicant's or agent's file reference 10810010PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/EP2010/053039	International filing date *(day/month/year)* 10/03/2010
Applicant TRADINCO AB	

FORST : 07.06.10
L.NR. : 51
BESV. : MH

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Wolfgang Urack

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 10810010PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/EP2010/053039	International filing date *(day/month/year)* 10/03/2010	(Earliest) Priority Date *(day/month/year)* 20/03/2009
Applicant TRADINCO AB		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language,** the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. [X] **Certain claims were found unsearchable** (See Box No. II)
3. [ ] **Unity of invention is lacking** (see Box No III)
4. With regard to the **title,**
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:
5. With regard to the **abstract,**
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
6. With regard to the **drawings,**
   a. the figure of the **drawings** to be published with the abstract is Figure No. 6
      [X] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2010/053039

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61M25/06
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2006/041231 A1 (PRESSLY WILLIAM B SR [US] ET AL PRESSLY SR WILLIAM B S [US] ET AL) 23 February 2006 (2006-02-23) figures 1-20 paragraphs [0034] - [0058] -----	1-3
Y	US 2004/044314 A1 (LISKA JAN [SE]) 4 March 2004 (2004-03-04) the whole document -----	1-3
Y	EP 2 022 421 A (TRADINCO AB [SE]) 11 February 2009 (2009-02-11) figure 8 paragraph [0043] -----	1-3
A	US 3 856 020 A (KOVAC S) 24 December 1974 (1974-12-24) the whole document -----	1-12,14

-/--

[X] Further documents are listed in the continuation of Box C.

[X] See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
26 May 2010	07/06/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Rodrigues, Elodie

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2010/053039

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2001/039401 A1 (FERGUSON F MARK [US] ET AL FERGUSON F MARK [US] ET AL) 8 November 2001 (2001-11-08) the whole document -----	1-12,14

Continuation of Box II.1

Claims Nos.: 13, 15

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
The method for performing a blood vessel puncture defined in claim 15 comprises the step of inserting the catheter tube in a blood vessel and is as such considered to be a method for the treatment of the human or animal body by surgery. Similarly, the use of the inserter assembly according to claim 13 comprises a surgical use of the assembly for the treatment of the human or animal body since claim 13 does not specifically exclude such use and such use seems particularly desirable according to the description.

International application No.
PCT/EP2010/053039

INTERNATIONAL SEARCH REPORT

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. [X] Claims Nos.: 13, 15
because they relate to subject matter not required to be searched by this Authority, namely:

see FURTHER INFORMATION sheet PCT/ISA/210

2. [ ] Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. [ ] Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. [ ] As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.

2. [X] As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.

3. [ ] As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. [ ] No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

[ ] The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

[ ] The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

[ ] No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-12

   Inserter assembly comprising a plaster member to protect a puncture site.

   ---

2. claim: 14

   Method for configuring a peripheral catheter assembly with an inserting assembly designed to prevent accidental pricks.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2010/053039

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
US 2006041231	A1	23-02-2006	NONE			
US 2004044314	A1	04-03-2004	AT	416813	T	15-12-2008
			AU	2003293126	A1	19-03-2004
			EP	1551491	A1	13-07-2005
			WO	2004020033	A1	11-03-2004
EP 2022421	A	11-02-2009	WO	2009016184	A1	05-02-2009
			US	2009036836	A1	05-02-2009
US 3856020	A	24-12-1974	NONE			
US 2001039401	A1	08-11-2001	NONE			

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2010/053039	10.03.2010	20.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. A61M25/06

Applicant
TRADINCO AB

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	see form PCT/ISA/210	Rodrigues, Elodie Telephone No. +49 30 25901-568

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 13, 15

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for the whole application or for said claims Nos. 13, 15

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).

☐ See Supplemental Box for further details

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts.

   ☒ the parts relating to claims Nos. 1-12, 14

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-12, 14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	4-12, 14
	No:	Claims	1-3
Industrial applicability (IA)	Yes:	Claims	1-12, 14
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item III

1. Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

The method for performing a blood vessel puncture defined in claim 15 comprises the step of inserting the catheter tube in a blood vessel and are as such considered to be a method for the treatment of the human or animal body by surgery.

Similarly, the use of the inserter assembly according to claim 13 comprises a surgical use of the assembly for the treatment of the human or animal body since claim 13 does not specifically exclude such use and such use seems particularly desirable according to the description.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: US 2006/041231 A1 (PRESSLY WILLIAM B SR [US] ET AL PRESSLY SR WILLIAM B S [US] ET AL) 23 February 2006 (2006-02-23)

D2: US 2004/044314 A1 (LISKA JAN [SE]) 4 March 2004 (2004-03-04)

D3: EP-A-2 022 421 (TRADINCO AB [SE]) 11 February 2009 (2009-02-11)

3. The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claim 1 does not involve an inventive step.

D1 is regarded as being the closest prior art to the subject - matter of claim 1, and discloses (the references in parentheses applying to this document):

An inserter assembly (1) for a peripheral catheter assembly of the kind comprising:

- a hollow catheter hub (3) having a female proximal end (45) and a distal end (9) provided with a catheter tube (43),

- a needle module (41) having a male coupling part (25) for engaging the female proximal end of the hollow catheter hub (3) and provided with a needle (13) extending inside the catheter tube (43) and having a pointed tip (59) protruding from the catheter tube (see figure 1), and characterised in that the inserter assembly (1) comprises:

- a first inserter part having a first leg (29R) and a second leg (29L),

- a bridge member (17) connecting the first leg (29R) and the second leg (29L) at a distance from each other, and which bridge member (17) is adapted for detachably engaging or holding at least a part of the needle module (41) extending coaxially between said first leg (29R) and said second leg (29L) (see [0041]).

The subject-matter of claim 1 therefore differs from this known inserter assembly of D1 in that it further comprises a plaster member having a first adhesive surface and an opposing second surface, wherein the catheter tube extends through the plaster member from the first surface to the second surface.

The technical problem to be solved by the present invention may be regarded as providing an inserter assembly with a plaster member to protect the puncture site from getting into contact with the surrounding. Each of D2 and D3 discloses a catheter assembly comprising such a plaster member to protect the puncture site.

The skilled person trying to solve the above-mentioned problem would thus have chosen to use this teaching to adapt the assembly of D1 and by doing so he would have arrived at the subject-matter of claim 1 without resorting to an inventive step.

4. The features of the dependent claims 2 and 3 only relate to minor constructional changes and are thus not regarded as inventive under Article 33(3) PCT.

5. The features of dependent claim 4 are not known from the prior art and do not appear to be derivable in an obvious manner from any available prior art. The feature that the first and second legs be provided with a means for detachably holding a back-folded part of the plaster member provides a free line of vision during puncture and thus allows for a more secure insertion of the inserter assembly having an integrated plaster member.

6. Claims 5-12 insofar as they are dependent on claim 4 also appear to meet the requirements of the PCT with respect to novelty and inventive step.

Re Item IV

7. As it stands, independent method claim 14 is not unitary with independent product claim 1 since claim 14 further claims a second inserter part to cover the needle and appears to solve a different technical problem, namely to prevent accidental needle pricks while the special technical feature of claim 1 (plaster member, see 3.) appears to solve the problem of protecting the puncture site. It is also not unitary with dependent claim 4 since claim 14 does not comprise the same special technical feature that the plaster member be detachably back-folded to a means of the first and second legs of the first inserter part. The attention of the applicant is drawn to the fact that any independent method claim should contain the same special technical features as the independent apparatus claims in order to fulfill the requirement of unity of invention (Rule 13 PCT).

Re Item VII

8. The prior art documents D1, D2 and D3 are not indicated in the description (Rule 5.1 (a) (ii) PCT).

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- 9 JUL 2009
HOLME PATENT A/S

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Holme Patent A/S
Vesterbrogade 20
1620 Copenhagen V
DANEMARK

Date
06.07.09

Reference	Application No./Patent No.
1.0810.010EP	09155767.8 - 2320
Applicant/Proprietor	
Tradinco AB	

Communication

The extended European search report is enclosed.

The extended European search report includes, pursuant to Rule 62 EPC, the European search report (R. 61 EPC) or the partial European search report/ declaration of no search (R. 63 EPC) and the European search opinion.

Copies of documents cited in the European search report are attached.

☑ 0 additional set(s) of copies of such documents is (are) enclosed as well.

The following have been approved:

☑ Abstract ☑ Title

☐ The Abstract was modified and the definitive text is attached to this communication.

The following figure(s) will be published together with the abstract: 6

Refund of the search fee

If applicable under Article 9 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.

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PARTIAL EUROPEAN SEARCH REPORT

which under Rule 63 of the European Patent Convention shall be considered, for the purposes of subsequent proceedings, as the European search report

Application Number
EP 09 15 5767

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	US 2006/041231 A1 (PRESSLY WILLIAM B SR [US] ET AL PRESSLY SR WILLIAM B S [US] ET AL) 23 February 2006 (2006-02-23) * figures 1-20 * * paragraphs [0034] - [0058] *	1-3	INV. A61M25/06
Y	US 2004/044314 A1 (LISKA JAN [SE]) 4 March 2004 (2004-03-04) * the whole document *	1-3	
Y	EP 2 022 421 A (TRADINCO AB [SE]) 11 February 2009 (2009-02-11) * figure 8 * * paragraph [0043] *	1-3	
A	US 3 856 020 A (KOVAC S) 24 December 1974 (1974-12-24) * the whole document *	1-12,14	
A	US 2001/039401 A1 (FERGUSON F MARK [US] ET AL FERGUSON F MARK [US] ET AL) 8 November 2001 (2001-11-08) * the whole document *	1-12,14	

TECHNICAL FIELDS SEARCHED (IPC)

A61M

INCOMPLETE SEARCH

The Search Division considers that the present application, or one or more of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for these claims.

Claims searched completely :

Claims searched incompletely :

Claims not searched :

Reason for the limitation of the search:

see sheet C

2

Place of search	Date of completion of the search	Examiner
Munich	24 June 2009	Rodrigues, Elodie

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

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INCOMPLETE SEARCH SHEET C

Application Number
EP 09 15 5767

Claim(s) not searched:
13,15

Reason for the limitation of the search (non-patentable invention(s)):

Article 53 (c) EPC - Method for treatment of the human or animal body by surgery

The method for performing a blood vessel puncture defined in claim 15 comprises the step of inserting the catheter tube in a blood vessel and are as such considered to be methods for the treatment of the human or animal body by surgery. Such claim is not allowable under Article 53 c) EPC. This claim should therefore be deleted.

Similarly, the use of the inserter assembly according to claim 13 comprises a surgical use of the assembly for the treatment of the human or animal body since claim 13 does not specifically exclude such use and such use seems particularly desirable according to the description. Such claim is not allowable under Article 53 c) EPC. This claim should therefore be deleted.

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 09 15 5767

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

24-06-2009

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006041231 A1	23-02-2006	NONE	
US 2004044314 A1	04-03-2004	AT 416813 T	15-12-2008
		AU 2003293126 A1	19-03-2004
		EP 1551491 A1	13-07-2005
		WO 2004020033 A1	11-03-2004
EP 2022421 A	11-02-2009	WO 2009016184 A1	05-02-2009
		US 2009036836 A1	05-02-2009
US 3856020 A	24-12-1974	NONE	
US 2001039401 A1	08-11-2001	NONE	

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

The examination is being carried out on the **following application documents**:

Description, Pages

1-16 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/9-9/9 as originally filed

1. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: US 2006/041231 A1 (PRESSLY WILLIAM B SR [US] ET AL PRESSLY SR WILLIAM B S [US] ET AL) 23 February 2006 (2006-02-23)
D2: US 2004/044314 A1 (LISKA JAN [SE]) 4 March 2004 (2004-03-04)
D3: EP-A-2 022 421 (TRADINCO AB [SE]) 11 February 2009 (2009-02-11)

2. The method for performing a blood vessel puncture defined in claim 15 comprises the step of inserting the catheter tube in a blood vessel and are as such considered to be methods for the treatment of the human or animal body by surgery. Such claim is not allowable under Article 53 c) EPC. This claim should therefore be deleted.

Similarly, the use of the inserter assembly according to claim 13 comprises a surgical use of the assembly for the treatment of the human or animal body since claim 13 does not specifically exclude such use and such use seems particularly desirable according

to the description. Such claim is not allowable under Article 53 c) EPC. This claim should therefore be deleted.

3. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 56 EPC.

D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):
An inserter assembly (1) for a peripheral catheter assembly of the kind comprising:
- a hollow catheter hub (3) having a female proximal end (45) and a distal end (9) provided with a catheter tube (43),
- a needle module (41) having a male coupling part (25) for engaging the female proximal end of the hollow catheter hub (3) and provided with a needle (13) extending inside the catheter tube (43) and having a pointed tip (59) protruding from the catheter tube (see figure 1), and characterised in that the inserter assembly (1) comprises:
- a first inserter part having a first leg (29R) and a second leg (29L),
- a bridge member (17) connecting the first leg (29R) and the second leg (29L) at a distance from each other, and which bridge member (17) is adapted for detachably engaging or holding at least a part of the needle module (41) extending coaxially between said first leg (29R) and said second leg (29L) (see [0041]).

The subject-matter of claim 1 therefore differs from this known inserter assembly of D1 in that it further comprises a plaster member having a first adhesive surface and an opposing second surface, wherein the catheter tube extends through the plaster member from the first surface to the second surface.

The technical problem to be solved by the present invention may be regarded as providing an inserter assembly with a plaster member to protect the puncture site from getting into contact with the surrounding. Each of D2 and D3 discloses a catheter assembly comprising such a plaster member to protect the puncture site.
The skilled person trying to solve the above-mentioned problem would thus have chosen to use this teaching to adapt the assembly of D1 and by doing so he would have arrived at the subject-matter of claim 1 without resorting to an inventive step.

4. The features of the dependent claims 2 and 3 only relate to minor constructional changes and are thus not regarded as inventive under Article 56 EPC.

5. The features of dependent claim 4 are not known from the prior art and do not appear to be derivable in an obvious manner from any available prior art. The feature that the first and second legs be provided with a means for detachably holding a back-folded part of the plaster member provides a free line of vision during puncture and thus allows for a more secure insertion of the inserter assembly having an integrated plaster member.

6. Claims 5-12 insofar as they are dependent on claim 4 also meet the requirements of the EPC with respect to novelty and inventive step.

7. The attention of the applicant is drawn to the fact that any new independent method claim will have to contain the same special technical features as the new independent apparatus claims (Rule 30 EPC) in order to fulfill the requirement of unity of invention (Article 82 EPC). As it stands, independent method claim 14 is not unitary with independent product claim 1 since claim 14 further claims a second inserter part to cover the needle and appears to solve a different technical problem, namely to prevent accidental needle pricks. It is also not unitary with dependent claim 4 since claim 14 does not comprise the same special technical feature that the plaster member be detachably back-folded to a means of the first and second legs of the first inserter part. Should this objection not be overcome, problems of unity of invention in the sense of Article 82 EPC would arise.

8. The applicant is invited to file a fresh set of claims overcoming the above objections.

9. Any new independent claim will have to be worded in the two-part form incorporating in its pre-characterising portion the features disclosed in the closest prior art (Rule 43(1) EPC).

10. D1, D2 and D3 should be indicated in the description (Rule 42(1)(b) EPC).

11. In order to be able to assess the question of inventive step, the applicant is asked to indicate in the response which technical problem is solved by the characterising features of the new claim 1 compared to the prior art (Rule 42(1)(c) EPC).

12. As regards the features contained in the new claims, the applicant is asked to indicate in the response on which passages of the original application they are based (see the Guidelines for Examination, E-11, 1.).

13. When filing amended claims, the applicant should at the same time bring the description into conformity with the amended claims (Rule 42(1)(c) EPC). Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

Claims

1. An inserter assembly (2,3) for a peripheral catheter assembly (19 of the kind comprising
   - a hollow catheter hub (4) having a female proximal end (8) and a distal end (9) provided with a catheter tube (5),
   - a needle module having a male coupling part (22) for engaging the female proximal end (8) of the hollow catheter hub (4) and provided with a needle (6) extending inside the catheter tube (5) and having a pointed tip (46) protruding from the catheter tube (5), and
   - a plaster member (14) having a first adhesive surface (15) and an opposing second surface, wherein the catheter tube (5) extends through the plaster member (14) from the first surface to the second surface,

   characterised in that the inserter assembly (2,3) comprises
   - a first inserter part (2) having a first leg (24) and a second leg (25),
   - a bridge member (23) connecting the first leg (24) and the second leg (25) at a distance from each other, and
   - which bridge member (23) is adapted for detachably engaging or holding at least a part of the needle module (6,22) extending coaxially between said first leg (24) and said second leg (25).

2. An inserter assembly (2,3) according to claim 1, **characterised** in that the first leg (24) and the second leg (25) have respective proximal ends (24a,24b) and opposing distal ends (24b,25b), and the bridge member (23) connects said legs (24,25) a distance from the respective proximal ends (24a,25a) at respective connection points (33,34) on said legs (24,25).

3. An inserter assembly (2,3) according to claim 2, **characterised** in that the distance between the proximal end (24a,25a) of a leg (24,25) and its corresponding connection

(33,34) to the bridge member (23) is shorter than the distance between said connection (33,34) and the distal end (24b,25b) of said leg (24,25).

4. An inserter assembly (2,3) according to any of the preceding claims 1, 2 or 3, **characterised** in that the first leg (24) and the second leg (25) are provided with a means (30,32) for detachably holding a back-folded part (14b) of the plaster member (14).

5. An inserter assembly (2,3) according to claim 4, **characterised** in that the means (30,32) for detachably holding a back-folded part (14b) of the plaster member (14) is a hook or a U-bend extension (30,32) provided at the distal end (24b,25b) of respective first leg (24) and second leg (25).

6. An inserter assembly (2,3) according to any of the claims 2 - 5 **characterised** in that the proximal ends (24a,24b) of the first leg (24) and of the second leg (25) have enlarged finger grip sections (29,31).

7. An inserter assembly (2,3) according to any of the preceding claims 1 - 6, **characterised** in that the connection (33,34) between the first leg (24) and a first end of the bridge member (23) is a first pivot (33) and the connection (34) between the second leg (25) and the second end of the bridge member (23) opposite the first end is a second pivot (34).

8. An inserter assembly (2,3) according to any of the preceding claims 1 - 7, **characterised** in that the first leg (24) and the second leg (25) are pivotable to and from each other along the length of the needle module (6,22).

9. An inserter assembly (2,3) according to any of the preceding claims 1 – 8, **characterised** in that the inserter assembly (2,3) further comprises a second inserter part (3) including a needle cover part (35).

10. An inserter assembly (2,3) according to claim 9, **characterised** in that the second inserter part (3) has a first clamping arm (36) and a second clamping arm (37) attached to the needle cover part (35), which first clamping arm (36) and second clamping arm (37) are adapted for detachably coupling with the first inserter parts (1) means (30,32) for detachably holding a back-folded part (14b) of the plaster member (14).

11. An inserter assembly (2,3) according to claim 10, **characterised** in that the first clamping arm (36) has a free end provided with a first clamp means (38) and the second clamping arm (37) has a free end provided with a second clamp means (41), which first clamp means (38) and second clamp means (41) are designed for detachably coupling with the means (30,32) of the first inserter part (2) for detachably holding a back-folded part (14b) of the plaster member (14).

12. An inserter assembly (2,3) according to any of claims 9 or 10, **characterised** in that the first clamping arm (36) and the second clamping arm (37) are resiliently arranged on the needle cover part (35).

13. Use of the inserter assembly (2,3) according to any of the preceding claims 1 –12 together with a peripheral catheter assembly (1) of the kind having an integrated plaster member (14).

14. A method for configuring a peripheral catheter assembly (1) with an inserter assembly (2,3) according to any of the

preceding claims 1 - 12, which peripheral catheter assembly (1) is of the kind comprising

- a hollow catheter hub (4) having a female proximal end (8) and a distal end (9) provided with a catheter tube (5),
- a needle module (6,22) engaging the female proximal end (8) of the hollow catheter hub (4) and provided with a needle (6) extending inside the catheter tube (5) and having a pointed tip (46) protruding from the catheter tube (5), and
- a plaster member (14) having a first adhesive surface (15) and an opposing second surface, wherein the catheter tube (5) extends through the plaster member (14) from the first surface to the second surface,

characterised in that the method comprises the steps of

- mounting the needle module (6,22) in or at the bridge member (23) of the first inserter part (1),
- folding the plaster member (14) back towards the proximal ends (24a,25a) of the first leg (24) and the second leg (25) of the first inserter part (1),
- mounting the second inserter part (1) to cover the needle (6) of the needle module (6,22), and
- detachably coupling the first inserter part (2) and the second inserter part (3) together.

15. A method for performing a blood vessel puncture using a peripheral catheter assembly (1) of the kind comprising

- a hollow catheter hub (4) having a female proximal end (8) and a distal end (9) provided with a catheter tube (5),
- a needle module (6,22) engaging the female proximal end (8) of the hollow catheter hub (4) and provided with a needle (6) extending inside the catheter tube (5) and having a pointed tip (46) protruding from the catheter tube (5), and
- a plaster member (14) having a first adhesive surface (15) and an opposing second surface, wherein the catheter tube (5) extends through the plaster member (14) from the first surface to the second surface, where the peripheral

catheter (1) is configured ready for use according to claim 14,

characterised in that the method comprises the steps of

- detaching the second inserted part (3),
- optionally pressing the first leg (24) and second leg (25) of the first inserter part (2) together towards the needle module (6,22),
- inserting the catheter tube (5) in the blood vessel,
- retracting the needle (6) by retracting the first inserter part (1) thereby leaving the catheter tube (5) inside the blood vessel and setting the plaster member (14) free, and
- adhering the plaster member (14) to a skin surface (47) around the puncture site (47a).

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WASHINGTON DC 20036

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Hiroyuki Yamada	: PARTICIPATE IN THE PATENT
Application No. 13/257,070	: PROSECUTION HIGHWAY
Filed: September 16, 2011	: PROGRAM AND PETITION
Attorney Docket No. 111178	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 16, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the JPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or

      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the JPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JP application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JP application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JP application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the JPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Conditions (1), (4) and (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet conditions (2)-(3) and (5).

Regarding the requirement of condition (2), petitioner has filed a Certification on December 16, 2011 certifying that the submission includes English translations of "NOTICE OF REASON FOR REJECTION and ENGLISH LANGUAGE CLAIMS". However, the nine page submission includes "The allowable/patentable claims from the JPO application" and "The allowable/patentable claims from the JPO application (English translation) with no identifying application and or patent numbers. Therefore, applicant has failed to submit a proper Japanese language copy of the allowed/patentable claims along with the required statement that the English translation is accurate with respect to the office action.

Regarding the requirement of condition (3), without requirement (2) being met applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application.

Regarding the requirement of condition (5) the "NOTICE OF REASON FOR REJECTION" included in the thirteen page document submitted on December 16, 201, identifies Patent Application No. 2010-536265, which it is not associated with the above identified application. Additionally, petitioner is reminded that an English language translation of the JPO office action and a statement that the English translation is accurate (if the office actions are not in the English language) are required.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Hiroyuki Yamada	: PARTICIPATE IN THE PATENT
Application No. 13/257,070	: PROSECUTION HIGHWAY
Filed: September 16, 2011	: PROGRAM AND PETITION
Attorney Docket No. 111178	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the second request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 3, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim, or
   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate; (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the JPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   d. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   e. Copies of the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/257,099	First Named Inventor:	Katsuyasu Ono et al.
Filing Date:	September 16, 2011	Attorney Docket No.:	12400-262
Title of the Invention:	SEATBELT DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054605

The international filing date of the corresponding PCT application(s) is/are: March 17, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached. ***Present U.S. application is a national stage entry of the corresponding PCT application***

☒ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☐ is attached. ***Present U.S. application is a national stage entry of the corresponding PCT application***

☒ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ is attached. (Current Information Disclosure Statement)

☒ has already been filed in the above-identified U.S. application on September 16, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☒ are attached. (Current Information Disclosure Statement)

☒ have already been filed in the above-identified U.S. application on September 16, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/257,099	First Named Inventor:	Katsuyasu Ono et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	substantially the same
2	2	substantially the same
3	3	substantially the same
4	4	substantially the same
5	5	substantially the same
6	6	substantially the same, but dependent on claim 1
7	7	substantially the same, but dependent on claim 1
8	8	substantially the same
9		narrower in scope; additional limitation presented in dependent claim
10		narrower in scope; additional limitation presented in dependent claim
11		narrower in scope; additional limitation presented in dependent claim
12		narrower in scope; additional limitation presented in dependent claim
13		narrower in scope; additional limitation presented in dependent claim
14		narrower in scope; additional limitation presented in dependent claim
15		narrower in scope; additional limitation presented in dependent claim
16		narrower in scope; additional limitation presented in dependent claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Eric J. Sosenko/	Date	March 14, 2012
Name (Print/Typed)	Eric J. Sosenko	Registration Number	34,440

Patent
Attorney Docket No. 0077270-000005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
Sacha VRAZIC	)	Confirmation No.: 3054
Application No.: 13/257,118	)	
Filed: September 16, 2011	)	
For: BIOLOGICAL PARAMETER MONITORING METHOD, COMPUTER-READABLE STORAGE MEDIUM AND BIOLOGICAL PARAMETER MONITORING DEVICE	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/054704 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claim 1 in this U.S. national stage application sufficiently corresponds to PCT Claim 1, except the language in Claim 1 in this U.S. national stage application is better presented as method wording according to preferred U.S. practice. Claim 9 in this U.S. national stage application sufficiently corresponds to PCT Claim 9, except the preamble wording in Claim 9 of this U.S. national stage application is presented in a manner more preferable under U.S. practice. Claim 10 in this U.S. national stage application sufficiently corresponds to PCT Claim 10, except Claim 10 in this

U.S. national stage application uses "determiner" terminology. Claims 2-8 and 11 in this U.S. national stage application are the same as PCT Claims 2-8 and 11, except for elimination of multiple dependencies in Claims 3-8. The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the international application.

The documents cited in the Written Opinion are listed in the Information Disclosure Statements earlier filed in this application on September 16, 2011 and September 19, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 23, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/257,118	Filing date:	September 16, 2011
First Named Inventor:	Sacha Vrazic		
Title of the Invention:	BIOLOGICAL PARAMETER MONITORING METHOD, COMPUTER-READABLE STORAGE MEDIUM AND BIOLOGICAL PARAMETER MONITORING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054704

The international date of the corresponding PCT application(s) is/are: March 18, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/257,118
First Named Inventor:	Sasha Vrazic

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 16, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 16, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 sufficiently corresponds to PCT Claim 1, except language in U.S. Claim 1 is better presented as method wording as preferred under U.S. practice.
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3 except for dependency.
4	4	U.S. Claim 4 is the same as PCT Claim 4 except for dependency.
5	5	U.S. Claim 5 is the same as PCT Claim 5 except for dependency.
6	6	U.S. Claim 6 is the same as PCT Claim 6 except for dependency.
7	7	U.S. Claim 7 is the same as PCT Claim 7, except for dependency..
8	8	U.S. Claim 8 is the same as PCT Claim 8, except for dependency.
9	9	U.S. Claim 9 sufficiently corresponds to PCT Claim 9, except preamble in U.S. Claim 9 is worded according to preferred U.S. practice.
10	10	U.S. Claim 10 sufficiently corresponds to PCT Claim 10, except U.S. Claim 10 uses "determiner" terminology.
11	11	U.S. Claim 11 is the same as PCT Claim 11.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew L. Schneider	Date	September 23, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

EPS 9116-11

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
木村　満　様

RECEIVED
JUN 07, 2010
OSHIDA & KIMURA

あて名
〒101-0054
日本国東京都千代田区神田錦町二丁目７番地　協販ビル２階

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	０１．０６．２０１０
出願人又は代理人 の書類記号　10F019-PCT	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０５４７０４	（日.月.年）　１８．０３．２０１０	（日.月.年）　１８．０３．２００９

国際特許分類（ＩＰＣ）Int.Cl. A61B5/00(2006.01)i, A61B5/11(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第II欄　優先権
- ☐ 第III欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄　ある種の引用文献
- ☐ 第VII欄　国際出願の不備
- ☐ 第VIII欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２４．０５．２０１０

名称及びあて先	特許庁審査官（権限のある職員）	２Ｑ	３３１４
日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	早川　貴之 電話番号　０３－３５８１－１１０１　内線　３２９２		

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００９年７月）

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４７０４

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０５４７０４

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	1-11	有
	請求項		無
進歩性（ＩＳ）	請求項	1-11	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-11	有
	請求項		無

２．　文献及び説明

文献１：JP 2008-113797 A（アイシン精機株式会社）2008.05.22, 図１、２（ファミリーなし）
文献２：JP 2008-79931 A（アイシン精機株式会社）2008.04.10, 【０００２】 & US 2010/0056937 A1 & WO 2008/038501 A1 & DE 112007002169 T
文献３：JP 2006-346093 A（株式会社デンソー）2006.12.28, 【０００６】 & US 2006/0283652 A1

請求項１－１１に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとっても自明なものでもない。

請求の範囲

[請求項1]　座席またはベッドの部材の占有者の心臓の拍動および／または呼吸信号の少なくとも１つの生物学的パラメータを監視する方法であって、部材が、接触による圧力変動を検知可能な少なくとも１つのセンサを支持し、少なくとも１つの加速度計が、この部材に結合されており、

入力における加速度計または少なくとも１つの加速度計のうちの１つの加速時計の少なくとも１つの信号と、出力におけるセンサまたは複数のセンサのうちの１つのセンサの信号との間の伝達関数のモデルを決定し、

このモデルを用いてノイズ値を推定し、

推定されたノイズ値をセンサの信号から除去することを特徴とする、生物学的パラメータを監視する方法。

[請求項2]　前記加速度計または各加速度計が、互いに垂直な３つの方向の加速を検知可能である、請求項１に記載の方法。

[請求項3]　前記加速度計が少なくとも全部で２つであり、伝達関数が入力で前記加速度計の信号を示す、請求項１または２に記載の方法。

[請求項4]　複数のタイプのモデルをテストし、次いで１つのタイプのモデルを選択し、テストされたモデルのタイプが、例えば、

状態を示すモデル

ＡＲＭＡ

ＡＲＸ

ＮＬＡＲＸ

の中にあり、

好適には、前記モデルが外部自己回帰モデルであり、例えば以下のタイプであって、

[数1]

$$A(q)\cdot y(t)=\sum_{1}^{Ni}B_i(q)\cdot u_i(t-n_{ki})+e(t)$$

ここで、Ａ（ｑ）は、N_A個の係数を有する多項式であり、

ｙ（ｔ）は出力信号であり、

B_i（ｑ）は、N_B個の係数を有する多項式であり、

u_i（ｔ）（ｉ＝１．．．N_i）は、前記加速度計の信号であり、

n_{ki}は、入力における単位遅延数であり、

ｅ（ｔ）は、前記モデルのエラー信号である、請求項１～３のいずれか一項に記載の方法。

[請求項5]　特に再帰的な手順を用いてモデルのパラメータを決定し、好適にはパラメータを更新する、請求項１～４のいずれか一項に記載の方法。

[請求項6]　一群のセンサの中の各センサの信号を受信し、

この信号をアトム辞書に投入し、

投入により幾つかのセンサを選択し、

選択されたセンサだけを用いて監視を実施する、請求項１～５のいずれか一項に記載の方法。

[請求項7]　１つまたは複数のセンサから受信した信号または各信号の非線形フィルタリングにより処理を実施する、請求項１～６のいずれか一項に記載の方法。

[請求項8]　前記座席は、車両の座席である請求項１～７のいずれか一項に記載の方法。

[請求項9]　コンピュータまたは計算機で実行される場合、請求項１～８のいずれか一項に記載の方法のステップの実行を制御可能なコード命令を含むことを特徴とするコンピュータプログラム。

[請求項10]　座席またはベッドの部材の占有者の心臓の拍動および／または呼吸信号の少なくとも１つの生物学的パラメータの監視装置であって、

部材により支持され、接触による圧力変動を検知可能な少なくとも１つのセンサと、

部材に結合される少なくとも１つの加速度計と、

入力における加速度計または少なくとも１つの加速度計のうちの１つの加速度計の少なくとも１つの信号と、出力におけるセンサまたは複数のセンサのうちの１つのセンサの信号との間の伝達関数のモデルを決定可能な手段とを含み、これらの手段が、モデルによりノイズ値を推定し、推定されたノイズ値をセンサの信号から除去可能であることを特徴とする装置。

[請求項11]　前記加速度計または少なくとも１つの加速度計のうちの１つの加速度計が、以下の要素、すなわち、

部材の背もたれ部の上半分と、

部材の座部の下部と

の一方に固定される、請求項１０に記載の装置。

Certificate of Accuracy

I, the undersigned translator of Ashida & Kimura Patent Attorneys, Tokyo, JAPAN, certify that the attached Japanese to English translation of the Written Opinion of International Application No. PCT/JP2010/054704 is an accurate, complete, and good-faith translation to the best of my knowledge and belief.

By: Yukiko Shimada

(Yukiko SHIMADA)

Date: September 20, 2011

PATENT COOPERATION TREATY

From the JAPAN PATENT OFFICE
INTERNATIONAL SEARCHING AUTHORITY

To: Mr. Mitsuru KIMURA

2nd Floor, Kyohan Building, 2-7, Kandanishiki-cho,
Chiyoda-ku, Tokyo 101-0054, JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(Regulations under the Patent Law Section 40bis)
(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	01. 06. 2010
Applicant's or agent's file reference 10F019-PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054704	18. 03. 2010	18. 03. 2009

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. A61B5/00 (2006.01)i, A61B5/11 (2006.01)i

Applicant
Aisin Seiki, Co., Ltd.

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see Form PCT/ISA/220

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915	24. 05. 2010	2Q 3314 Japan Patent Office Examiner Takayuki HAYAKAWA Telephone No. 03-3581-1101 Extension 3292

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054704

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   [X] the international application in the language in which it was filed.

   [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   [ ] on paper

   [ ] in electronic form

   b. (time)

   [ ] in the international application as filed

   [ ] together with the international application in electronic form

   [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054704

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2008-113797A (Aisin Seiki Co., Ltd.), 22. 05. 2008, FIGS. 1, 2 (Family: none)
Document 2: JP 2008-79931A (Aisin Seiki Co., Ltd.), 10. 04. 2008, paragraph [0002] & US 2010/0056937A1 & WO 2008/038501A1 & DE 112007002169T
Document 3: JP 2006-346093A (Denso Corp.), 28. 12. 2006, paragraph [0006] & US 2006/0283652A1

The matters according to Claims 1-11 are not described in any of the documents cited in the International Search Report, and are not obvious to a person skilled in the art.

Certificate of Accuracy

I, the undersigned translator of Ashida & Kimura Patent Attorneys, Tokyo, JAPAN, certify that the attached Japanese to English translation of the claims of International Application No. PCT/JP2010/054704 is an accurate, complete, and good-faith translation to the best of my knowledge and belief.

By: Yukiko Shimada

(Yukiko SHIMADA)

Date: September 20, 2011

English translations of allowed claims of PCT application

1. A method for monitoring at least one biological parameter out of a heartbeat and/or a respiratory signal of an occupant on a member of a seat or a bed, characterizing in that:

the member supports at least one sensor capable of detecting pressure fluctuations through contact, and at least one accelerometer is connected to the member;

a model of a transfer function between at least one signal from one accelerometer out of either the accelerometer and/or at least one accelerometer at the input and a signal from a sensor out of either the sensor and/or a plurality of sensors at the output is determined;

a noise value is estimated using this model; and

the estimated noise value is removed from the signal from the sensor.

2. The method according to Claim 1, wherein the accelerometer or each accelerometer can detect acceleration in three mutually orthogonal directions.

3. The method according to Claim 1 or Claim 2, wherein there are at least two accelerometers in total and the transfer function shows the signal of the accelerometers at the input.

4. The method according to any one of Claims 1 through 3, wherein:

multiple types of models are tested, then one type of model is selected and the type of the tested models are among, for example,

a model indicating condition;

ARMA;

ARX; and

NLARX; and

preferably this model is an external self-recursive model and for example is the following type:

[Formula 1]

$$A(q) \cdot y(t) = \sum_{1}^{Ni} B_i(q) \cdot u_i(t - n_{ki}) + e(t)$$

Here, A(q) is a polynomial having N_A coefficients, y(t) is an output signal, $B_i(q)$ is a polynomial having N_B coefficients, $u_i(t)$ (i=1, …, N_i) is a signal from the accelerometer, n_{ki} is a unit delay number in the input and e(t) is an error signal of the model.

5. The method according to any one of Claims 1 through 4, wherein the model parameters are determined in particular using a recursive sequence, and preferably the parameters are updated.

6. The method according to any one of Claims 1 through 5, wherein:

signals from each sensor in a group of sensors are received;

these signals are input into an atom dictionary;

a number of sensors are selected through input; and

monitoring is conducted using only the selected sensors.

7. The method according to any one of Claims 1 through 6, wherein a process is conducted using a signal or signals received from one or multiple sensors or nonlinear filtering of each signal.

8. The method according to any one of Claims 1 through 7, wherein the seat is a seat in a vehicle.

9. A computer program characterized in that when executed by a computer or a calculator, a code instruction is included capable of controlling execution of the steps of the method according to any one of Claims 1 through 8.

10. A device for monitoring at least one biological parameter out of a heartbeat and/or a respiratory signal of an occupant on a member of a seat or a bed, including:

at least one sensor supported by the member and capable of detecting pressure fluctuations through contact;

at least one accelerometer connected to the member; and

a means capable of determining a model of a transfer function between at least one signal from one accelerometer out of either the accelerometer and/or at least one accelerometer at the input and a signal from a sensor out of either the sensor and/or a plurality of sensors at the output, wherein this means estimates a noise value using this model and the estimated noise value can be removed from the signal from the sensor.

11. The device according to Claim 10, wherein the accelerometer out of either the accelerometer and/or the at least one accelerometer is set on one out of the following elements, that is to say:

the top half of the back part of the member, and

the lower part of the seat part of the member.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAR 27 2012
OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
Sacha VRAZIC
Application No.: 13/257,118
Filed: September 16, 2011
Attorney Docket No.: 0077270-000005

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K Page

Thurman K. Page
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/257,118	Filing date:	September 16, 2011
First Named Inventor:	Sacha Vrazic		
Title of the Invention:	BIOLOGICAL PARAMETER MONITORING METHOD, COMPUTER-READABLE STORAGE MEDIUM AND BIOLOGICAL PARAMETER MONITORING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054704

The international date of the corresponding PCT application(s) is/are: March 18, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/257,118
First Named Inventor:	Sasha Vrazic

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 16, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 16, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 sufficiently corresponds to PCT Claim 1, except language in U.S. Claim 1 is better presented as method wording as preferred under U.S. practice.
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3 except for dependency.
4	4	U.S. Claim 4 is the same as PCT Claim 4 except for dependency.
5	5	U.S. Claim 5 is the same as PCT Claim 5 except for dependency.
6	6	U.S. Claim 6 is the same as PCT Claim 6 except for dependency.
7	7	U.S. Claim 7 is the same as PCT Claim 7, except for dependency..
8	8	U.S. Claim 8 is the same as PCT Claim 8, except for dependency.
9	9	U.S. Claim 9 sufficiently corresponds to PCT Claim 9, except preamble in U.S. Claim 9 is worded according to preferred U.S. practice.
10	10	U.S. Claim 10 sufficiently corresponds to PCT Claim 10, except U.S. Claim 10 uses "determiner" terminology.
11	11	U.S. Claim 11 is the same as PCT Claim 11.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew L. Schneider	Date	September 23, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22320-4850

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of
Alain Mollet, et. al.
Application No.: 13/257,133
Filed: September 30, 2011
Attorney Docket No.: 150729
For: TRANSPORT EQUIPMENT WITH A VEHICLE GUIDED ALONG A SINGLE TRAFFIC LANE

: DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 6, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	Not Yet Assigned	Filing date:	Herewith
First Named Inventor:	Bashirullah RIZWAN		
Title of the Invention:	A Miniaturized Electronic Device Ingestible by a Subject or Implantable Inside the Body of the Subject		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/27773

The international filing date of the corresponding PCT application(s) is/are: 18 March 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Bashirullah RIZWAN

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [✔] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [✔] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-17	1-17	Claims are identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Justin R. Sauer/	Date 09/16/2011
Name (Print/Typed) Justin R. Sauer	Registration Number 56,920

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/257,151	09/16/2011	Bashirullah Rizwan	0116925	7222

45191 7590 11/16/2011
HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO, FL 32802-3791

EXAMINER

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Skemraj@addmg.com
Syenser@addmg.com
jlong@addmg.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HERBERT L. ALLEN
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO FL 32802-3791

In re Application of
Bashirullah RIZWAN

Application No.: 13/257,151	**: DECISION ON REQUEST TO**
Filed: 16 September 2011	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 0116925	**: PROSECUTION HIGHWAY**
For: MINIATURIZED ELECTRONIC	**: PROGRAM AND PETITION**
DEVICE INGESTIBLE BY A SUBJECT	**: TO MAKE SPECIAL UNDER**
OR IMPLANTABLE INSIDE A BODY	**: 37 CFR 1.102(a)**
OF THE SUBJECT	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 16 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3-5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding requirement (6), applicant has failed to provide a copy of Written Opinion (PCT/ISA/237).

Regarding requirement (2), it cannot be determined whether requirement (2) has been met since applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
RIZWAN	)	
National Stage Entry of International	)	
Application No. **PCT/US2010/27773**	)	
	)	
International Filing Date: **March 18, 2010**	)	
Serial No. **13/257,151**	)	Attorney Docket No. **0116925**
	)	
Filing Date: **SEPTEMBER 16, 2011**	)	
	)	
For: **MINIATURIZED ELECTRONIC DEVICE INGESTIBLE BY A SUBJECT OR IMPLANTABLE INSIDE A BODY OF THE SUBJECT**	)	

Orlando, Florida - November 18, 2011

RESPONSE TO PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)
PCT PATENT PROSECUTION HIGHWAY PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Decision on Request to Participate in the PCT Patent Prosecution Highway Pilot Program (PCT-PPH) mailed November 16, 2011, Applicant encloses a copy of the Written Opinion (PCT/ISA/237) issued by the International Searching Authority on November 9, 2010. The Written Opinion indicated all pending claims (1-17) have novelty and an inventive step. Accordingly, favorable action on Applicant's Request to Participate in the PCT-PPH Program is appropriate.

Respectfully submitted,

JUSTIN R. SAUER
Reg. No. 56,920
Allen, Dyer, Doppelt, Milbrath
and Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Tel: 407-841-2330
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HERBERT L. ALLEN
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255 SOUTH ORANGE AVENUE, SUITE 1401
P. O. BOX 3791
ORLANDO FL 32802-3791

MAILED
JAN 20 2012
OFFICE OF PETITIONS

In re Application of:
Bashirullah Rizwan
Application No. 13/257,151
Filed: September 16, 2011
Attorney Docket No. 0116925

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the second request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed November 18, 2011, to make the above-identified application special.

Petitioner asserts that "Applicant encloses a copy of the Written Opinion (PCT/ISA/237) issued by the International Searching Authority on November 9, 2010". However, this submission reveals that regarding requirement (2), that the observations in Box VIII do not meet the requirement of PCT Article 6 in that the matter for which protection is sought is not clearly defined.

Further, petitioner is permitted only two attempts to qualify to participate in the Patent Prosecution Highway (PCT-PPH) program and petition under 37 CFR 1.102(a).

Therefore the request and petition are **DENIED**.

Since, the request and petition do not qualify the above-identified application to participate in the (PCT-PPH) program, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Anthony Knight
Director
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	13/257,165	Filing Date:	October 26, 2011
Confirmation No.:	3348	Attorney Docket No.:	Q126307
First Named Inventor:	Antonio CROTTI		
Title of the Invention:	ROTARY VACUUM PUMP WITH A DEVICE FOR DECOUPLING THE DRIVING MOTOR		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2010/051149

The international date of the corresponding PCT application(s) is/are: March 17, 2010

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application

☐ Is attached.

☑ Has already been filed in the above-identified U.S. application on September 16, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 16, 2011

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM
BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO
(continued)

Application No.:	13/257,165
First Named Inventor:	Antonio CROTTI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20		Canceled
21	7	Claim 21 of the US application is substantially the same as allowable claim 7 (claim 1 + claim 6 + claim 7) of the PCT application, accounting for differences due to claim format requirements.
22	2	Claim 22 of the US application depends from and is narrower than allowable claim 21.
23	3	Claim 23 of the US application depends from and is narrower than allowable claim 21.
24	4	Claim 24 of the US application depends from and is narrower than allowable claim 21.
25	4	Claim 25 of the US application depends indirectly from and is narrower than allowable claim 21.
26	4	Claim 26 of the US application depends indirectly from and is narrower than allowable claim 21.
27	5	Claim 27 of the US application depends from and is narrower than allowable claim 21.
28	5	Claim 28 of the US application depends indirectly from and is narrower than allowable claim 21.
29	5	Claim 29 of the US application depends indirectly from and is narrower than allowable claim 21.
30	8	Claim 30 of the US application depends from and is narrower than allowable claim 21.
31	9	Claim 31 of the US application depends indirectly from and is narrower than allowable claim 21.
32	10	Claim 32 of the US application depends indirectly from and is narrower than allowable claim 21.
33	11	Claim 33 of the US application depends indirectly from and is narrower than allowable claim 21.
34	12	Claim 34 of the US application depends indirectly from and is narrower than allowable claim 21.
35	12	Claim 35 of the US application depends indirectly from and is narrower than allowable claim 21.
36	13	Claim 36 of the US application depends from and is narrower than allowable claim 21.
37	14	Claim 37 of the US application depends indirectly from and is narrower than allowable claim 21.
38	15	Claim 38 of the US application depends indirectly from and is narrower than allowable claim 21.
39	20	Claim 39 of the US application is substantially the same as allowable claim 20 (claim 18 + claim 20) of the PCT application, accounting for differences due to claim format

		requirements.
40	19	Claim 40 of the US application depends from and is narrower than allowable claim 39.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

☑ **The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.**

☐ **Credit Card.**

SEND ALL CORRESPONDENCE TO:
The address associated with Customer Number:

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Signature	*/Raja Saliba/*	Date	March 14, 2012
Name (Print/Typed)	Raja Saliba	Registration Number	43,078

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 10834.01pcpc	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/IB2010/051149	International filing date *(day/month/year)* 17/03/2010	(Earliest) Priority Date *(day/month/year)* 17/03/2009
Applicant VHIT S.P.A.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. [ ] **Certain claims were found unsearchable** (See Box No. II)
3. [ ] **Unity of invention is lacking** (see Box No III)
4. With regard to the **title**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      [X] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2010/051149

A. CLASSIFICATION OF SUBJECT MATTER
INV. F04C28/06 F04C29/00
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
F04C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 10 2007 056316 A1 (IXETIC HUECKESWAGEN GMBH [DE]) 29 May 2008 (2008-05-29) paragraph [0033] - paragraph [0034]; figures	1-6, 16-19
X	DE 10 2008 024441 A1 (IXETIC HUECKESWAGEN GMBH [DE]) 27 November 2008 (2008-11-27) the whole document	1,2,16, 19
A	US 2007/253836 A1 (JEON JAE HEE [KR]) 1 November 2007 (2007-11-01) abstract; figures 4,5	1-20
A	WO 2006/010528 A1 (VHIT S P A [IT]; CADEDDU LEONARDO [IT]) 2 February 2006 (2006-02-02) cited in the application the whole document	1-20

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
15 June 2011	24/06/2011

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Descoubes, Pierre

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/IB2010/051149

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 102007056316 A1	29-05-2008	NONE	
DE 102008024441 A1	27-11-2008	NONE	
US 2007253836 A1	01-11-2007	KR 100764490 B1	09-10-2007
WO 2006010528 A1	02-02-2006	AT 458925 T	15-03-2010
		CN 1993566 A	04-07-2007
		EP 1800017 A1	27-06-2007
		ES 2340182 T3	31-05-2010
		JP 2008508480 T	21-03-2008
		US 2008230343 A1	25-09-2008

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2010/051149	17.03.2010	17.03.2009

International Patent Classification (IPC) or both national classification and IPC
INV. F04C28/06 F04C29/00

Applicant
VHIT S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Descoubes, Pierre Telephone No. +49 89 2399-7066

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2010/051149

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☐ the international application in the language in which it was filed

   ☒ a translation of the international application into English , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7-15, 19, 20
	No:	Claims	1-6, 16-18
Inventive step (IS)	Yes:	Claims	7-15, 20
	No:	Claims	1-6, 16-19
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

see separate sheet

Reference is made to the following documents:

D1 DE 10 2007 056316 A1 (IXETIC HUECKESWAGEN GMBH [DE]) 29 May 2008 (2008-05-29)

D2 DE 10 2008 024441 A1 (IXETIC HUECKESWAGEN GMBH [DE]) 27 November 2008 (2008-11-27)

Re Item V

1 The present application does not meet the requirements of Article 33(2) PCT, since the subject-matter of independent claim 1 is not novel.

Prior art document D1 (see Fig.1) discloses:

a rotary vacuum pump 1 having a rotor 7 and comprising, between the rotor 7 and a driving motor 11, a control unit 41 for operatively connecting the rotor 7 to the motor 11 only in periods in which the pump operation is required or desired, and for decoupling the pump 1 from the motor 11 in other periods, said control unit 41 including a rotating member 45 connectable to a motor output and arranged to be made integral for rotation with the pump rotor 7 when the pump operation is required or desired, and to be disconnected from the rotor 7 in the other periods, the control unit 41 further including:

- a plurality of mechanical coupling elements 37, which are located between the rotating member 45 and an element 29 belonging to or integral for rotation with the pump rotor, and are arranged to take a coupling position in which they make the rotating member and the rotor integral for rotation, and a decoupling position in which they make the rotating member and the rotor independent of each other;

- actuating members 43 for mechanically actuating said coupling elements 37, which members are driven by said rotating member so as to take, in the periods where the pump is operating, a first position, in which the actuating members 43 let said coupling elements 37 freely displace in a direction depending on the rotation direction of the rotating member in order for the coupling elements to move to the coupling position, if the rotating member rotates in a direction required for the pump operation, or to the decoupling position, if the rotating member rotates in a direction opposed to the direction required for the pump operation, and so as to take, in the periods where the pump is not operating, a second position, in which said actuating members 43 bring said coupling elements 37 to the decoupling position.

Therefore, all the features of independent claim 1 are known from document D1.

2 For the same reasons, the subject-matter of independent method claim 18 is not novel (Article 33(2) PCT).

3 Furthermore, and independently of the disclosure of document D1, the subject-matter of independent claim 1 does not involve an inventive step (Article 33(3) PCT).

Document D2 discloses (Cf. Fig. 1) a rotary vacuum pump from which the subject-matter of claim 1 differs in that the control unit comprises a plurality of coupling elements.

The associated technical effect is to provide a rotary vacuum pump in which the mechanical efforts on each coupling element are reduced.

The problem to be solved may be therefore regarded as to provide an improved rotary vacuum pump with a mechanically more reliable control unit..

Facing the above mentioned problem, the skilled person would obviously consider to provide a plurality of coupling elements in the rotary vacuum pump disclosed in document D2 without the need of any inventive activity.

4 The same reasoning as in §3 leads to the conclusion that the subject-matter of independent method claim 18 does not involve an inventive step (Article 33 (3) PCT).

5 The dependent claims 2-6, 16, 17 and 19 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, could form subject-matter which is new and involves an inventive step, because the additional features of those dependent claims are known from prior art document D1.

6 The subject-matter of the dependent claims 7-15 and 20 appears not to be disclosed nor rendered obvious by the documents at hand and may be a basis for an allowable amended set of claims.

7 The industrial applicability of the claimed subject-matter is self-evident.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

Patent claims

1. A rotary vacuum pump having a rotor and comprising, between the rotor (2) and a driving motor, a control unit (1; 101) for operatively connecting the rotor (2) to the motor only in periods in which the pump operation is required or desired, and for decoupling the pump from the motor in other periods, said control unit (1; 101) including a rotating member (12; 112) connectable to a motor output and arranged to be made integral for rotation with the pump rotor (2) when the pump operation is required or desired, and to be disconnected from the rotor (2) in the other periods; the pump being characterised in that the control unit (1; 101) further includes:

- a plurality of mechanical coupling elements (17), which are located between the rotating member (12; 112) and an element (10) belonging to or integral for rotation with the pump rotor (2), and are arranged to take a coupling position in which they make the rotating member (12; 112) and the rotor (2) integral for rotation, and a decoupling position in which they make the rotating member (12; 112) and the rotor (2) independent of each other;
- actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) for mechanically actuating said coupling elements (17), which members are driven by said rotating member (12; 112) so as to take, in the periods where the pump is operating, a first position, in which the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) let said coupling elements (17) freely displace in a direction depending on the rotation direction of the rotating member (12; 112) in order the coupling elements move to the coupling position, if the rotating member (12; 112) rotates in a direction required for the pump operation, or to the decoupling position, if the rotating member (12; 112) rotates in a direction opposed to the direction required for the pump operation, and so as to take, in the periods where the pump is not operating, a second position, in which said actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) bring said coupling elements (17) to the decoupling position.

2. The pump as claimed in claim 1, wherein said actuating members (40, 14, 19, 20, 26) are disengaged from said coupling elements (17) in said first position and are in engagement with said coupling elements (17) in said second position.

3. The pump as claimed in claim 1, wherein said actuating members (140, 114, 119, 126) are in engagement with said coupling elements (17) in both said first and second positions.

4. The pump as claimed in any preceding claim, wherein the coupling elements

(17) are located in variable-depth seats (18) defined between the rotating member (12; 112) and an internal surface of the element (10) belonging to or integral for rotation with the pump rotor (2) and have a diameter or a thickness having an intermediate value between a maximum and a minimum depth of said seats (18).

5. The pump as claimed in any preceding claim, wherein, in the coupling position, the coupling elements (17) are located in a region of their respective seats (18) where the depth is such that the coupling elements mechanically interfere with facing surfaces of the rotating member (12; 112) and the element (10) belonging to or integral for rotation with the pump rotor (2) and, in the decoupling position, the coupling elements (17) are located in a region of their respective seats (18) where the seat depth exceeds the diameter or thickness thereof.

6. The pump as claimed in any of claims 1 to 5, wherein the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) are hydraulically driven.

7. The pump as claimed in claim 6, further including means (56, 42, 44) for supplying liquid for the hydraulic drive of the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126), and wherein the rotating member (12, 112) defines, together with the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126), at least one chamber (25; 125) for containing said liquid, and wherein the supply means (56, 42, 44) are arranged to supply with the liquid said at least one chamber (25; 125) when the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) are to be brought to or kept in their second position.

8. The pump as claimed in claim 7, wherein said rotating member (112) defines, with the actuating members (140, 114, 119, 126), a single chamber (125) for containing said liquid.

9. The pump as claimed in claim 8, wherein the rotating member (12; 112) has a plurality of internal cavities (15) each of which is divided into a first and a second partial cavity (15B, 15A) by elements (14; 114) belonging to said actuating members (140, 114, 119, 126), the second partial cavities (15A) communicating with said chamber (25).

10. The pump as claimed in claim 9, wherein said actuating members (140, 114, 119, 126) comprise:

- a plurality of radial vanes (114), which are each received in a respective cavity (15) of the rotating member (112), are arranged to divide said cavities (15) into the respective first and second partial cavities (15B, 15A) and are displaced within the respective cavity, because of a pressure applied by the drive liquid onto the rotating member

(112), in the same direction as the rotation direction of the rotating member (112) when the supply means (56, 42, 44) supply the chamber (125) with liquid; and

- a pair of closing elements (119, 120) for said chamber (125) and said cavities (15), at least one (119) of said closing elements being rigidly connected to the vanes (114) at one end thereof and being equipped with engagement means (126) which engage the coupling elements (17) at least in the second position of the actuating members (140, 114, 119, 126).

11. The pump as claimed in claim 10, wherein the other closing element (120) is rigidly connected to the rotating member (112).

12. The pump as claimed in claim 10 or 11, wherein said engagement means comprise a plurality of seats (126) in which said coupling elements (17) are coupled.

13. The pump as claimed in claim 7, wherein said rotating member (12) defines, with the actuating members (40, 14, 19, 20, 26), a first and a second chamber (25, 24) for containing said liquid, and the supply means (56, 42, 44) are arranged to supply with the liquid the first or the second chamber (25, 24), respectively, when the actuating members (40, 14, 19, 20, 26) are to be brought to or kept in their first or second position, respectively.

14. The pump as claimed in claim 13, wherein the rotating member (12) has a plurality of internal cavities (15) each of which is divided into a first and a second partial cavity (15B, 15A) by elements belonging to said actuating members (40, 14, 19, 20, 26), the first and second partial cavities (15B, 15A) communicating with the first and the second chamber (25, 24), respectively.

15. The pump as claimed in claim 14, wherein said actuating members (40, 14, 19, 20, 26) comprise:

- a plurality of radial vanes (14), which are each received in a respective cavity (15) of the rotating member (12), are arranged to divide said cavities (15) into the respective first and second partial cavities (15B, 15A) and are displaced within the respective cavity, because of a pressure applied by the drive liquid onto the rotating member (12), in the same direction as or in opposite direction to the rotation direction of the rotating member (12), respectively, depending on whether the supply means (56, 42, 44) supply the first or the second chamber (25, 24) with liquid; and
- a pair of closing elements (19, 20) for said chambers (24, 25) and said cavities (15), which closing elements (19, 20) are mounted at ends of the vanes (14) and are equipped with engagement means (26) arranged to engage the coupling elements (17) in the

second position of the actuating members (40, 14, 19, 20, 26).

16. The pump as claimed in any preceding claim, wherein it is a pump driven by the motor of a motor vehicle.

17. The pump as claimed in any preceding claim, wherein the coupling elements (17) are rolling elements.

18. A method of controlling a rotary vacuum pump, comprising the steps of:

- providing, between the pump and a driving motor thereof, a control unit (1) arranged to couple the pump with the motor only in periods where the pump operation is required or desired, and to decouple the pump from the motor in other periods;
- detecting first and second operating conditions of the pump, corresponding to the periods where the pump operation is required or desired and to the other periods, respectively; and
- actuating the control unit (1) so that it takes a first or a second configuration, depending on whether the first or the second operating conditions are detected;

the method being characterised in that said actuating step includes:

- upon detection of the first operating conditions, making coupling elements (17) provided in the control unit (1) free to displace in a direction depending on the rotation direction of the motor, in order said elements move to a first position in which they couple the motor with the pump, if the motor rotates in a direction required for pumping, or to a second position, in which the pump is decoupled from the motor, if the motor rotates in a direction opposed to the direction required for pumping; and
- upon detection of the second operating conditions, bringing the coupling elements (17) to their second position.

19. The method as claimed in claim 18, wherein said step of bringing the coupling elements (17) includes:

- introducing a drive liquid into a chamber (25, 15A; 125, 15A) of the control unit (1); and
- applying a pressure on the drive liquid in a direction, in order to disengage the actuating members (40, 14, 19, 20, 26; 140, 114, 119, 126) from the coupling elements (17).

20. The method as claimed in claim 18, wherein said step of making the coupling elements (17) free to displace includes:

- introducing a drive liquid into a first chamber (24, 15B) of the control unit (1); and
- applying a pressure on the drive liquid in a first direction, in order to disengage the

actuating members (40, 14, 19, 20, 26) from the coupling elements (17);

and said step of bringing the coupling elements (17) includes:

- introducing a drive liquid into a second chamber (25, 15A) of the control unit (1); and
- applying a pressure on the drive liquid in a second direction, opposite to the first direction, in order to make the actuating members (40, 14, 19, 20, 26) free to displace and to engage the coupling elements (17).

Patent
Attorney Docket No. 0077270-000006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
Sacha VRAZIC	)	Confirmation No.: 8401
Application No.: 13/257,169	)	
Filed: September 16, 2011	)	
For: BIOLOGICAL PARAMETER MONITORING METHOD, COMPUTER-READABLE STORAGE MEDIUM AND BIOLOGICAL PARAMETER MONITORING DEVICE	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/054703 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claim 12 in this U.S. national stage application sufficiently corresponds to PCT Claim 1, except the language in Claim 12 is better presented as method wording according to preferred U.S. practice. Claim 21 in this U.S. national stage application sufficiently corresponds to PCT Claim 10, except the preamble wording in Claim 21 is presented in a manner more preferable under U.S. practice. Claim 22 in this U.S. national stage application sufficiently corresponds to PCT Claim 11, except Claim 22 uses "receiver" and "monitor" terminology. Claims 13-20 in this U.S.

national stage application are the same as PCT Claims 2-9, except for elimination of multiple dependencies in Claims 14-20. The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application on September 16, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 23, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/257,169	Filing date:	September 16, 2011
First Named Inventor:	Sacha Vrazic		
Title of the Invention:	BIOLOGICAL PARAMETER MONITORING METHOD, COMPUTER-READABLE STORAGE MEDIUM AND BIOLOGICAL PARAMETER MONITORING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054703

The international date of the corresponding PCT application(s) is/are: March 18, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U,S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/257,169
First Named Inventor:	Sasha Vrazic

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on September 16, 21011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on September 16, 21011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	U.S. Claim 12 sufficiently corresponds to PCT Claim 1, except claim language is better presented as method wording as preferred under U.S. practice.
13	2	U.S. Claim 13 is the same as PCT Claim 2.
14	3	U.S. Claim 14 is the same as PCT Claim 3 except for dependency.
15	4	U.S. Claim 15 is the same as PCT Claim 4 except for dependency.
16	5	U.S. Claim 16 is the same as PCT Claim 5 except for dependency.
17	6	U.S. Claim 17 is the same as PCT Claim 6 except for dependency.
18	7	U.S. Claim 18 is the same as PCT Claim 7, except for dependency..
19	8	U.S. Claim 19 is the same as PCT Claim 8, except for dependency.
20	9	U.S. Claim 20 is the same as PCT Claim 9 except for dependency.
21	10	U.S. Claim 21 sufficiently corresponds to PCT Claim 10, except preamble is worded according to preferred U.S. practice.
22	11	U.S. Claim 22 sufficiently corresponds to PCT Claim 11, except claim uses receiver and monitor terminology.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Matthew L. Schneider	Date	September 23, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
木村　満　様

RECEIVED
JUN 02 2010
OSHIDA & KIMURA

あて名
〒101-0054
日本国東京都千代田区神田錦町三丁目7番地　協販ビル2階

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日（日.月.年）	01. 06. 2010
出願人又は代理人の書類記号　10F018-PCT	今後の手続きについては、下記2を参照すること。

国際出願番号	国際出願日（日.月.年）	優先日（日.月.年）
PCT／JP2010／054703	18. 03. 2010	18. 03. 2009

国際特許分類（IPC）Int.Cl. A61B5/00(2006.01)i, A61B5/11(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

1．この見解書は次の内容を含む。

- ☑ 第I欄　見解の基礎
- ☐ 第II欄　優先権
- ☐ 第III欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄　発明の単一性の欠如
- ☑ 第V欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄　ある種の引用文献
- ☐ 第VII欄　国際出願の不備
- ☐ 第VIII欄　国際出願に対する意見

2．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

3．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
24. 05. 2010

名称及びあて先 日本国特許庁（ISA／JP） 郵便番号100－8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官（権限のある職員）　2Q　3314 早川　貴之 電話番号　03－3581－1101　内線　3292

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０５４７０３

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０５４７０３

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	1-11	有
	請求項		無
進歩性（ＩＳ）	請求項	1-11	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-11	有
	請求項		無

２．　文献及び説明

文献１：JP 2008-113797 A（アイシン精機株式会社）2008.05.22,　【００２５】、図１、２（ファミリーなし）
文献２：JP 2007-501555 A（コーニンクレッカ　フィリップス　エレクトロニクス　エヌ　ヴィ）2007.01.25,　【０００５】 & US 2006/0209963 A1 & EP 1654706 A & WO 2005/013201 A1 & KR 10-2006-0060000 A & CN 1833259 A
文献３：JP 2008-79931 A（アイシン精機株式会社）2008.04.10,　【０００２】 & US 2010/0056937 A1 & WO 2008/038501 A1 & DE 112007002169 T

請求項１－１１に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとっても自明なものでもない。

請求の範囲

[請求項1]　座席またはベッドの部材の占有者の心臓の拍動および／または呼吸信号の少なくとも１つの生物学的パラメータを監視する方法であって、部材がセンサを支持し、

一群のセンサの中の各センサの信号を受信し、

この信号をアトム辞書に投入し、

投入により幾つかのセンサを選択し、

選択されたセンサだけを用いて監視を実施することを特徴とする、生物学的パラメータを監視する方法。

[請求項2]　前記辞書内で前記信号に関連づけられる値、例えば前記辞書内でこの信号のノルムの最大値を決定する、請求項１に記載の方法。

[請求項3]　前記信号の中で最も強い値を有する所定数の前記信号を識別する、請求項１または２に記載の方法。

[請求項4]　占有者の少なくとも１つの所定のタイプの動きが、選択されないセンサを用いて検知された場合、この１つまたは複数のセンサを、選択されたセンサの群に少なくとも一時的に追加する、請求項１～３のいずれか一項に記載の方法。

[請求項5]　占有者の少なくとも１つの所定のタイプの動きが検知された場合、投入ステップと選択ステップを再び実施する、請求項１～４のいずれか一項に記載の方法。

[請求項6]　占有者の動きを検知した場合、この動きの方向を決定し、選択されない少なくとも１つのセンサがこの方向に存在する場合、この１つまたは複数のセンサを少なくとも一時的に選択する、請求項１～５のいずれか一項に記載の方法。

[請求項7]　少なくとも１つの加速度計が部材に結合されており、

入力における加速度計または少なくとも１つの加速度計のうちの１つの加速度計の少なくとも１つの信号と、出力におけるセンサまたは複数のセンサのうちの１つのセンサの信号との間の伝達関数のモデル

を決定し、

このモデルを用いてノイズ値を推定し、

推定されるノイズ値をセンサの信号から除去する、請求項１～６のいずれか一項に記載の方法。

[請求項8]　センサから受信した１つまたは各々の信号を非線形フィルタリングにより処理する、請求項１～７のいずれか一項に記載の方法。

[請求項9]　前記座席は、車両の座席である請求項１～８のいずれか一項に記載の方法。

[請求項10]　コンピュータまたは計算機で実行される場合、請求項１～９のいずれか一項に記載の方法の実施を制御可能なコード命令を含むことを特徴とするコンピュータプログラム。

[請求項11]　座席またはベッドの部材の占有者の心臓の拍動および／または呼吸信号の少なくとも１つの生物学的パラメータの監視装置であって、

部材により支持されるセンサと、

少なくとも１つのセンサ群から各センサの信号を受信し、この信号をアトム辞書に投入し、この投入により幾つかのセンサを選択可能な手段と、

選択されたセンサだけを用いて１つまたは各パラメータを監視する手段とを含むことを特徴とする、生物学的パラメータの監視装置。

Certificate of Accuracy

I, the undersigned translator of Ashida & Kimura Patent Attorneys, Tokyo, JAPAN, certify that the attached Japanese to English translation of the Written Opinion of International Application No. PCT/JP2010/054703 is an accurate, complete, and good-faith translation to the best of my knowledge and belief.

By: Yukiko Shimada

(Yukiko SHIMADA)

Date: September 20, 2011

PATENT COOPERATION TREATY

From the JAPAN PATENT OFFICE
INTERNATIONAL SEARCHING AUTHORITY

To: Mr. Mitsuru KIMURA

2nd Floor, Kyohan Building, 2-7, Kandanishiki-cho,
Chiyoda-ku, Tokyo 101-0054, JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(Regulations under the Patent Law Section 40bis)
(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	01. 06. 2010
Applicant's or agent's file reference 10F018-PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054703	18. 03. 2010	18. 03. 2009

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. A61B5/00 (2006.01)i, A61B5/11 (2006.01)i

Applicant
Aisin Seiki, Co., Ltd.

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see Form PCT/ISA/220

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer 2Q 3314
Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915	24. 05. 2010	Japan Patent Office Examiner Takayuki HAYAKAWA Telephone No. 03-3581-1101 Extension 3292

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054703

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   [X] the international application in the language in which it was filed.

   [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   [ ] on paper

   [ ] in electronic form

   b. (time)

   [ ] in the international application as filed

   [ ] together with the international application in electronic form

   [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054703

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2008-113797A (Aisin Seiki Co., Ltd.), 22. 05. 2008, paragraph [0025], FIGS. 1, 2 (Family: none)
Document 2: JP 2007-501555A (Koninklijke Philips Electronics N.V.), 25. 01. 2007, paragraph [0005] & US 2006/0209963A1 & EP 1654706A & WO 2005/013201A1 & KR 10-2006-0060000A & CN 1833259A
Document 3: JP 2008-79931A (Aisin Seiki Co., Ltd.), 10. 04. 2008, paragraph [0002] & US 2010/0056937A1 & WO 2008/038501A1 & DE 112007002169T

The matters according to Claims 1-11 are not described in any of the documents cited in the International Search Report, and are not obvious to a person skilled in the art.

Certificate of Accuracy

I, the undersigned translator of Ashida & Kimura Patent Attorneys, Tokyo, JAPAN, certify that the attached Japanese to English translation of the claims of International Application No. PCT/JP2010/054703 is an accurate, complete, and good-faith translation to the best of my knowledge and belief.

By: Yukiko Shimada

(Yukiko SHIMADA)

Date: September 20, 2011

English translations of allowed claims of PCT application

1. A method for monitoring parameters, the method for monitoring at least one biological parameter out of a heartbeat and/or a respiratory signal of an occupant on a member of a seat or a bed, the method characterizing in that:

the member supports sensors;

a signal is received from each of the sensors in a group;

the resulting signals are inputted into an atom dictionary;

one or more of the sensors are selected through the inputting; and

the monitoring is implemented using only the selected one or more sensors.

2. The method according to Claim 1, wherein a value linked to signals in the dictionary, for example the maximum value of the norm of the signals in the dictionary, is determined.

3. The method according to Claim 1 or Claim 2, wherein a prescribed number of signals having the strongest value among the signals are identified.

4. The method according to any one of Claims 1 through 3, wherein when at least one prescribed type of movement by the occupant is detected by an unselected sensor, this one or multiple sensors are added at least temporarily to the group of selected sensors.

5. The method according to any one of Claims 1 through 4, wherein when at least one prescribed type of movement by the occupant is detected, an input step and a selection step are repeatedly implemented.

6. The method according to any one of Claims 1 through 5, wherein when movement by the occupant is detected, the direction of this movement is determined, and when at least one of the unselected sensors exists in this direction, this one or multiple sensors are at least temporarily selected.

7. The method according to any one of Claims 1 through 6, wherein at least one accelerometer is bound to the member;

a model of a transfer function between at least one signal of an accelerometer or the one accelerometer out of the at least one accelerometer at input, and the signal of the sensor or one sensor out of the multiple sensors at output is determined;

a noise value is estimated using this model; and

the estimated noise value is removed from the sensor signals.

8. The method according to any one of Claims 1 through 7, wherein the one or various signals received from sensors are processed using nonlinear filtering.

9. The method according to any one of Claims 1 through 8, wherein the seat is a seat in a vehicle.

10. A computer program characterized in that when executed by a computer or a calculator, a code instruction is included capable of controlling implementation of the method according to any one of Claims 1 through 9.

11. A biological parameter monitoring device for monitoring at least one biological parameter out of a heartbeat and/or a respiratory signal of an occupant on a member of a seat or a bed, the device characterizing by including:

sensors supported by the member;

a means for receiving signals from various sensors from at least one sensor group, inputting these signals into an atom dictionary and selecting one or more of sensors through the inputting; and

a means for monitoring one or various parameters using only the selected one or more sensors.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
MAR 27 2012
OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
Sacha VRAZIC
Application No.: 13/257,169
Filed: September 16, 2011
Attorney Docket No.: 0077270-000006

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English

translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K. Page
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/257,182	Filing date:	September 16, 2011
First Named Inventor:	Takumi Yoda		
Title of the Invention:	DROWSINESS ASSESSMENT DEVICE AND PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054563

The international date of the corresponding PCT application(s) is/are: March 17, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/257,182
First Named Inventor:	Takumi Yoda

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 16, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims are substantially identical except that the term "means" has been replaced with "section"
2	2	The claims are identical
3	3	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
4	4	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
5	5	The claims are substantially identical except that the term "means" has been replaced with "section"
6	6	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
7	7	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
8	8	The claims are substantially identical except that the term "means" has been replaced with "section" and the claim has been amended to use US format
9	9	The claims are substantially identical except that the term "means" has been replaced with "section" and the claim has been amended to use US format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/John M. Bird/ # 46,027, John M. Bird for:	Date	January 12, 2012
Name (Print/Typed)	Steven M. Gruskin	Registration Number	36,818

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the
JAPAN PATENT OFFICE (INTERNATIONAL SEARCHING AUTHORITY)

To: Mr. Jun Nakajima

Address: Taiyo, Nakajima & Kato, Intellectual Property Law

HK Shinjuku Building 7th Floor 3-17,
Shinjuku 4-Chome,
Shinjuku-ku, Tokyo 160-0022 JAPAN

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(Enforcement Regulations 40(ii))
[PCT Rule 43*bis*.1]

Date of mailing *(day/month/year)* 01/06/2010

Applicant's or agent's file reference
CO-F03435-00

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/054563	17/03/2010	19/03/2009

International Patent Classification (IPC) G08G1/16(2006.01)i , A61B5/18(2006.01)i, B60R11/04(2006.01)i,

Applicant AISIN SEIKI KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see remarks of Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer (Patent Office Examiner)
JAPAN PATENT OFFICE (ISA/JP) 3-4-3 Kasumigaseki, Chiyoda-ku Tokyo 100-8915, Japan	20/05/2010	Kashiwazaki, Shigemi Telephone No. 03-3581-1101 Ext. 3316

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/065764

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/054563

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

1. JP 2008-73335 A (KABUSHIKI KAISHA TOYOTA CHUO KENKYUSHO)
   03 April 2008, paragraphs 0019-0029, 0048, & figures 1-5
2. JP 2009-28237 A (TOYOTA MOTOR Corporation)
   12 February 2009, paragraphs 0015-0017 & figure 2
3. JP 7-241283 A (Omron Corporation)
   19 November 1995, paragraphs 0021-0023, 0025, 0026 & figure 11
4. JP 2004-41485 A (Tokai Rika Corporation)
   12 February 2004, paragraphs 0034-0049 & figures 3-7
5. JP 11-66304 A (MITSUBISHI DENKI Corporation)
   09 March 1999, paragraphs 0014, 0033-0041 & figures 1-17

Invention according to claims 1-9 possesses novelty and inventive step with respect to the above cited references 1-5 cited in the international search report.

Box No. VIII **Certain observations on the international application**

・Claims 1-6, 8, 9 recite " a specific threshold value ". The description " specific " is ambiguous, therefore the scope of the invention is indefinite.

・Claims 4 recite " extracts any local maxima values and local minima values respectively from a plurality of extraction sections determined at a minimum unit duration ". The meaning of " a plurality of extraction sections " is ambiguous, therefore the scope of the invention is indefinite.

ALLOWED CLAIMS (Japanese)

【書類名】　請求の範囲

【請求項１】

判定対象者の眼を含む領域を連続して撮像する撮像手段と、

前記撮像手段により連続して撮像された画像に基づいて、瞼の開度の時系列データを検出する開度検出手段と、

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、前記瞼の開度が、持続して所定の閾値未満となる範囲から、極大値及び極小値を抽出し、抽出された極大値及び極小値の間に設定された閾値で検出される瞬目間間隔が所定時間以内となる群発性瞬目を検出する群発性瞬目検出手段と、

前記群発性瞬目検出手段による検出結果に基づいて、前記判定対象者の眠気状態を判定する眠気状態判定手段と、

を含む眠気判定装置。

【請求項２】

前記所定の閾値を、前記瞼の開度に関する標準の閉眼閾値とした請求項１記載の眠気判定装置。

【請求項３】

前記群発性瞬目検出手段は、前記瞼の開度が持続して前記所定の閾値未満となる範囲であって、かつ、第２の所定時間以上の範囲から、極大値及び極小値を抽出し、抽出された極大値及び極小値の間に設定された閾値で検出される瞬目間間隔が前記所定時間以内となる群発性瞬目を検出する請求項１又は２記載の眠気判定装置。

【請求項４】

前記群発性瞬目検出手段は、前記瞼の開度が、持続して前記所定の閾値未満となる範囲から、最小単位時間で決定される複数の抽出区間の各々について、極大値及び極小値を抽出すると共に、抽出された極大値及び極小値の間に設定された閾値で検出される瞬目間間隔が前記所定時間以内となる群発性瞬目を検出する請求項１～請求項３の何れか１項記載の眠気判定装置。

【請求項５】

判定対象者の眼を含む領域を連続して撮像する撮像手段と、

前記撮像手段により連続して撮像された画像に基づいて、瞼の開度の時系列データを検出する開度検出手段と、

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、前記瞼の開度が、持続して所定の閾値未満となる範囲から、極小値を抽出し、抽出された極小値の間隔が所定時間以内となる群発性瞬目を検出する群発性瞬目検出手段と、

前記群発性瞬目検出手段による検出結果に基づいて、前記判定対象者の眠気状態を判定する眠気状態判定手段と、

を含む眠気判定装置。

【請求項６】

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、前記所定の閾値を用いて、瞬目を抽出し、抽出された瞬目に基づいて、群発性瞬目を検出する第２の群発性瞬目検出手段を更に含み、

前記眠気状態判定手段は、前記群発性瞬目検出手段による検出結果及び前記第２の群発性瞬目検出手段による検出結果に基づいて、前記判定対象者の眠気状態を判定する請求項１～請求項５の何れか１項記載の眠気判定装置。

【請求項７】

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、群発性瞬目とは異なる瞬目特徴量を抽出する瞬目特徴量抽出手段を更に含み、

前記眠気状態判定手段は、前記群発性瞬目検出手段による検出結果及び前記瞬目特徴量抽出手段によって抽出された前記瞬目特徴量に基づいて、前記判定対象者の眠気状態を判定する請求項１～請求項６の何れか１項記載の眠気判定装置。

【請求項８】

コンピュータを、

判定対象者の眼を含む領域を連続して撮像する撮像手段により撮像された画像に基づいて、瞼の開度の時系列データを検出する開度検出手段、

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、前記瞼の開度が、持続して所定の閾値未満となる範囲から、極大値及び極小値を抽出し、抽出された極大値及び極小値の間に設定された閾値で検出される瞬目間間隔が所定時間以内となる群

発性瞬目を検出する群発性瞬目検出手段、及び

前記群発性瞬目検出手段による検出結果に基づいて、前記判定対象者の眠気状態を判定する眠気状態判定手段

として機能させるためのプログラム。

【請求項９】

コンピュータを、

判定対象者の眼を含む領域を連続して撮像する撮像手段により撮像された画像に基づいて、瞼の開度の時系列データを検出する開度検出手段、

前記開度検出手段によって検出された瞼の開度の時系列データに基づいて、前記瞼の開度が、持続して所定の閾値未満となる範囲から、極小値を抽出し、抽出された極小値の間隔が所定時間以内となる群発性瞬目を検出する群発性瞬目検出手段、及び

前記群発性瞬目検出手段による検出結果に基づいて、前記判定対象者の眠気状態を判定する眠気状態判定手段

として機能させるためのプログラム。

DECLARATION

I, Kenji Sakuma, a staff member of TAIYO, NAKAJIMA & KATO, 3-17, Shinjuku 4-chome, Shinjuku-ku, Tokyo 160-0022, Japan, do hereby declare that I am well acquainted with the English and Japanese Languages and I hereby certify that, to the best of my knowledge and belief, the following is a true and correct translation made by me into the English language of the documents in respect of PCT/JP2010/054563, that was filed on 17th March, 2010 in the name of AISIN SEIKI KABUSHIKI KAISHA and DENSO CORPORATION.

Dated this 26th day of October, 2011

Kenji S.

Kenji Sakuma

ALLOWED CLAIMS (translation)

Claim 1. A drowsiness assessment device comprising:

image capture means that successively captures an image of a region including an eye of an assessment subject;

openness detection means that detects time series data of eyelid openness based on the images successively captured by the image capture means;

blink burst detection means that based on the eyelid openness time series data detected by the openness detection means extracts any local maxima values and local minima values from a range in which the eyelid openness is continuously less than a specific threshold value and detects blink bursts when an inter-blink interval detected at a threshold value set between an extracted local maxima value and an extracted local minima value is within a specific time duration; and

state of drowsiness assessment means that assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means.

Claim 2. The drowsiness assessment device of claim 1, wherein the specific threshold value is set as a standard closed eye threshold value related to eyelid openness.

Claim 3. The drowsiness assessment device of claim 1 or claim 2, wherein the blink burst detection means extracts any local maxima values and local minima values in a range of eyelid openness continuously less than the specific threshold value from a range of a second specific time duration or longer, and detects blink bursts when an inter-blink interval detected at a threshold value set between an extracted local maxima value and an extracted local minima value is within the specific time duration.

Claim 4. The drowsiness assessment device of any one of claim 1 to claim 3, wherein the blink burst detection means extracts any local maxima values and local minima values respectively from a plurality of extraction sections determined at a minimum unit duration from a range of eyelid openness continuously less than the specific threshold value and detects blink bursts when an inter-blink interval detected at a threshold value set between an extracted local maxima value and an extracted local minima value is within the specific time duration.

Claim 5. A drowsiness assessment device comprising:

image capture means that successively captures an image of a region including an eye of an assessment subject;

openness detection means that detects time series data of eyelid openness based on the images successively captured by the image capture means;

blink burst detection means that based on the eyelid openness time series data detected by the openness detection means extracts any local minima values from a range in which the eyelid openness is continuously less than a specific threshold value and detects blink bursts when an interval between extracted local minima values is within a specific time duration; and

state of drowsiness assessment means that assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means.

Claim 6. The drowsiness assessment device of any one of claim 1 to claim 5, further comprising second blink burst detection means that extracts blinks employing the specific threshold value based on the eyelid openness time series data detected by the openness detection means, and detects blink bursts based on the extracted blinks,

wherein the state of drowsiness assessment means assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means and the detection result of the second blink burst detection means.

Claim 7. The drowsiness assessment device of any one of claim 1 to claim 6, further comprising blink characteristic amount extraction means that extracts a blink characteristic amount different from blink bursts based on the eyelid openness time series data detected by the openness detection means,

wherein the state of drowsiness assessment means assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means and based on the blink characteristic amount extracted by the blink characteristic amount extraction means.

Claim 8. A computer program comprising instructions that are executable by a computer to function as:

openness detection means that detects time series data of eyelid openness based on images successively captured by an image capture means of a region including an eye of an

assessment subject;

blink burst detection means that based on the eyelid openness time series data detected by the openness detection means extracts any local maxima values and local minima values from a range in which the eyelid openness is continuously less than a specific threshold value and detects blink bursts when an inter-blink interval detected at a threshold value set between an extracted local maxima value and an extracted local minima value is within a specific time duration; and

state of drowsiness assessment means that assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means.

Claim 9. A program causing a computer to function as functions comprising:

openness detection means that detects time series data of eyelid openness based on images successively captured by an image capture means of a region including an eye of an assessment subject;

blink burst detection means that based on the eyelid openness time series data detected by the openness detection means extracts any local minima values from a range in which the eyelid openness is continuously less than a specific threshold value and detects blink bursts when an interval between extracted local minima values is within a specific time duration; and

state of drowsiness assessment means that assesses the state of drowsiness of the assessment subject based on the detection result of the blink burst detection means.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON, DC 20037

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Takumi Yoda, et. al.	: PARTICIPATE IN THE PATENT
Application No.: 13/257,182	: PROSECUTION HIGHWAY
Filed: September 16, 2011	: PROGRAM AND PETITION
Attorney Docket No.: Q126647	: TO MAKE SPECIAL UNDER
For: DROWSINESS ASSESSMENT	: 37 CFR 1.102(a)
DEVICE AND PROGRAM	:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 12, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails to meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237). Therefore, the present request and petition cannot be granted at this time.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Takumi YODA

Docket No: Q126647

Appln. No.: 13/257,182

Group Art Unit: 2624

Confirmation No.: 8380

Examiner: BELLA, MATTHEW C

Filed: September 16, 2011

For: DROWSINESS ASSESSMENT DEVICE AND PROGRAM

RESPONSE TO DECISION ON REQUEST AND PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Program and Petition to Make Special Under 37 C.F.R. §1.102(a) issued February 28, 2012, in which the Request and Petition filed in the above-application on January 12, 2012 were dismissed, a Preliminary Amendment is filed concurrently herewith.

In the Preliminary Amendment, claims 1-6, 8 and 9 are amended to change the term "specific threshold value" to "predetermined threshold value". Further, claim 4 is amended to change the recitation "… a plurality of extraction sections determined at a minimum unit duration from a range of eyelid openness continuously less than the specific threshold value …" to "… a plurality of extraction sections obtained by dividing, ~~determined~~ at a minimum unit duration, ~~from~~ a range of eyelid openness continuously less than the specific threshold value …". The foregoing editorial amendments are believed to obviate the objections in box VIII of the written opinion. Specifically, the threshold value is now recited as being "predetermined" thus removing any potential ambiguity, and the meaning of the "extraction sections" is clarified by reciting how they are obtained. Thus, requirement 2 in the Decision is now believed to be met, and Applicant therefore respectfully requests that the petition be granted.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/SMG/

Steven M. Gruskin
Registration No. 36,818

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: March 29, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 19 2011

PCT LEGAL ADMINISTRATION

K&L Gates LLP
1900 MAIN STREET, SUITE 600
IRVINE CA 92614-7319

In re Application of: COSTELLO, Donald, et al. :
U.S. Application No.: 13/257,284 :
PCT No.: PCT/US2010/020448 :
International Filing Date: 08 January 2010 :
Priority Date: 08 January 2009 :
Attorney's Docket No.: 1951300-00113/2 :
For: METHOD FOR TREATING :
HYPERGLYCEMIA WITH GLP-1 :

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 16 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2010/020448 became abandoned with respect to the United States at midnight on 08 July 2011 based on applicants' failure to pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

In view of the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	To be assigned	Filing date:	Concurrently herewith
First Named Inventor:	Alberto CODA et al.		
Title of the Invention:	A METHOD FOR THE REMOVAL OF HYDROGEN FROM A HYDROGEN SENSITIVE DEVICE BY MEANS OF A NON-EVAPORABLE YTTRIUM BASED GETTER ALLOY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/052986

The international filing date of the corresponding PCT application(s) is/are: March 9, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	To be assigned
First Named Inventor:	Alberto CODA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[■] Is attached

[ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[■] Are attached.

[ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Minor linguistic differences from PCT-1
2	2	Minor linguistic differences from PCT-2
3	3	US-3 cancelled
4	4	US-4 cancelled
5	5	Minor linguistic differences from PCT-5
6	6	Minor linguistic differences from PCT-6
7	7	Minor linguistic differences from PCT-7
8	8	Minor linguistic differences from PCT-8
9	9	Minor linguistic differences from PCT-9
10	10	Minor linguistic differences from PCT-10
11	11	Minor linguistic differences from PCT-11
12	12	Minor linguistic differences from PCT-12
13	13	Minor linguistic differences from PCT-13
14	14	Minor linguistic differences from PCT-14
15	15	Minor linguistic differences from PCT-15
16	16	Minor linguistic differences from PCT-16
17	N/A	Dependent on allowable PCT-1

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinfl, Reg. No. 56,448/	Date September 16, 2011
Name (Print/Typed) Alessandro Steinfl	Registration Number 56,448

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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NOV 09 2011

PCT LEGAL ADMINISTRATION

B.Y.I.P. LTD.
P.O. Box 1484
General Post Office
Hong Kong

In re Application of	:	
LUO, Lucky	:	
Application No.: 13/257,310	:	
PCT No.: PCT/CN2009/075793	:	
Int. Filing Date: 21 December 2009	:	DECISION
Priority Date: 29 December 2008	:	
Att. Docket No.: SUN-1105-USPT	:	
For: ULTRAVIOLET INK FOR SURFACE PRINTING	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 19 September 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fees for filing the search fee, examination fee or oath or declaration after thirty months and for filing the translation of the application after thirty months have not yet been furnished.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	13/257,356	Filing date:	19 September 2011
First Named Inventor:	COSGROVE, Stephanie		
Title of the Invention:	Orthotic Device and Method of Manufacture		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2009/055844

The international filing date of the corresponding PCT application(s) is/are: 18 December 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [✓] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [✓] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	13/257,356
First Named Inventor:	COSGROVE, Stephanie

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
40-74	1-35	Identical subject matter, amended to remove multiple dependencies
		and to renumber for preliminary amendment

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Homer W. Faucett, III/	Date 2011-09-20
Name (Print/Typed) Homer W. Faucett, III	Registration Number 56,348

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

IP Strategies International
Lot 3, 66 Samford Rd
Samford, Queensland 4520
AUSTRALIA

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	23 MAY 2011
Applicant's or agent's file reference IPSO1O1	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2009/055844	18 December 2009	20 May 2009

Applicant

COSGROVE, Stefanie et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/AU	Authorized officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	ALEX QUEK AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2979

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IPSO1O1	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT**/IB2009/055844	International filing date *(day/month/year)* 18 December 2009	Priority date *(day/month/year)* 20 May 2009
International Patent Classification (IPC) or national classification and IPC Int. Cl. ***A61F 5/14*** (2006.01)		
Applicant COSGROVE, Stefanie et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. [X] *(sent to the applicant and to the International Bureau)* a total of **5** sheets, as follows:
      - [X] sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - [ ] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. [ ] *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).
4. This report contains indications relating to the following items:

[X]	Box No. I	Basis of the report
[ ]	Box No. II	Priority
[ ]	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
[ ]	Box No. IV	Lack of unity of invention
[X]	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
[ ]	Box No. VI	Certain documents cited
[ ]	Box No. VII	Certain defects in the international application
[ ]	Box No. VIII	Certain observations on the international application

Date of submission of the demand 20 December 2010	Date of completion of this report 18 May 2011
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	Authorized Officer **ALEX QUEK** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2979

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IB2009/055844

Box No. I **Basis of the report**

1. With regard to the **language,** this report is based on:

   [X] The international application in the language in which it was filed

   [ ] A translation of the international application into , which is the language of a translation furnished for the purposes of:

   [ ] international search (under Rules 12.3(a) and 23.1 (b))

   [ ] publication of the international application (under Rule 12.4(a))

   [ ] international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   [ ] the international application as originally filed/furnished

   [X] the description:

   pages **1-28** as originally filed/furnished
   pages* received by this Authority on with the letter of
   pages* received by this Authority on with the letter of

   [X] the claims:

   pages as originally filed/furnished
   pages* as amended (together with any statement) under Article 19
   pages* **29, 31-33** received by this Authority on **12 April 2011** with the letter of **12 April 2011**
   pages* **30** received by this Authority on **11 May 2011** with the letter of **11 May 2011**

   [X] the drawings:

   pages **1/6 to 6/6** as originally filed/furnished
   pages* received by this Authority on with the letter of
   pages* received by this Authority on with the letter of

   [ ] a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:

   [ ] the description, pages
   [ ] the claims, Nos.
   [ ] the drawings, sheets/figs
   [ ] the sequence listing *(specify)*:

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (*c-bis*)).

   [ ] the description, pages
   [ ] the claims, Nos.
   [ ] the drawings, sheets/figs
   [ ] the sequence listing *(specify)*:

5. [ ] This report has been established taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

6. [ ] Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	**1-35**	**YES**
	Claims	**NONE**	**NO**
Inventive step (IS)	Claims	**1-35**	**YES**
	Claims	**NONE**	**NO**
Industrial applicability (IA)	Claims	**1-35**	**YES**
	Claims	**NONE**	**NO**

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: Bradbury R.L. et al., "Duplication Methods for Replacement of Broken Orthoses"
D2: US Re. 32698
D3: GB 2107170

NOVELTY (N)

D1 is considered to be the closest prior art document.

With regard to claims 1 and 29, D1 discloses methods of manufacturing a temporary orthotic device for use with an item of footwear, each method comprising the steps of providing an existing orthotic device that has an existing, therapeutically-shaped contoured surface, and using said existing surface as a template in forming a body that has a contoured surface that replicates said existing surface substantially entirely (pages 321 – 328).

With regard to claims 17, 33, 34, D1 discloses an orthotic device comprising a sheet of shape-retaining material having a dorsal surface formed to replicate a therapeutically-functional shape defined by a dorsal surface of an existing orthotic device which provided a therapeutic benefit to an intended user of the orthotic device (pages 322 – 324).

None of the above prior art documents discloses a custom-made orthotic device or a method of manufacturing one, wherein the orthotic device is formed by way of replication of a surface of an existing orthotic device, and is adapted to fit a specific desired footwear item and/or for a user activity when wearing the footwear item. Therefore the subject matter of claims 1, 17, 29, 33, 34 is new and meets the requirements of Article 33(2) of the PCT with regard to novelty.

The appended claims 2-16, 18-28, 30-32, 35 define further features to those defined in claims 1, 17, 29, 33, 34. Therefore, the subject matter of claims 2-16, 18-28, 30-32, 35 is also new and meets the requirements of Article 33(2) of the PCT with regard to novelty.

[Continued in Supplemental Box 1]

Supplemental Box 1

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of: Box V

INVENTIVE STEP (IS)

Claims 1, 17, 29, 33, 34 differ from D1 in that the orthotic device manufactured is adapted to fit a specific desired footwear item. The orthotic device of D1 which is manufactured by way of replication of a surface of an existing orthotic device is not intended to be a permanent device (see page 323 last sentence – page 324 first paragraph), and therefore not obvious to be adapted to fit a specific desired footwear item.

None of the above prior art documents either individually or in combination obviously suggests to a person skilled in the art a custom-made orthotic device or a method of manufacturing one, wherein the orthotic device is formed by way of replication of a surface of an existing orthotic device, and is adapted to fit a specific desired footwear item. Therefore, the subject matter of claims 1, 17, 29, 33, 34 is not obvious and meets the requirements of Article 33(3) of the PCT with regard to inventive step.

Claims 2-16, 18-28, 30-32, 35 depend on the independent claims and add further aspects of the inventive concept. Therefore, the subject matter of claims 2-16, 18-28, 30-32, 35 is also not obvious and meets the requirements of Article 33(3) of the PCT with regard to inventive step.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in claims 1-35 is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

PCT/IB2009/055844
Received 12 April 2011

Claims

The claims defining the invention are as follows:

1. A method of manufacturing an orthotic device for use with a desired item of footwear, the method comprising the steps of providing the desired footwear item, providing an existing orthotic device that has an existing, therapeutically-shaped contoured surface, using said existing surface as a template in forming a body that has a contoured surface that replicates said existing surface substantially entirely and adapting the body to be customised for fitting said desired item of footwear and for user activity for which the footwear is intended.

2. The method of claim 1 wherein the body is formed by applying a shape-capturing material in sheet form to said existing surface and allowing it to set to a self-supporting state, so that a surface of the sheet, which is not in contact with the existing surface, defines a dorsal surface that replicates said existing surface.

3. The method of claim 2 comprising adapting the sheet to define an orthotic device customised to fit a foot-receiving space of the desired item of footwear.

4. The method of claim 2 or claim 3 wherein the shape-capturing material is a thermoplastics material.

5. The method of any one of claims 2 to 4 including separating the sheet, when in a self-supporting state, from the surface to which it has been applied, the separated surface of the sheet defining a plantar surface.

6. The method of claim 5 including affixing a second, thin sheet of malleable shape-capturing material to the plantar surface, allowing said second sheet to set to a self-supporting state so that a surface of said second sheet, as a result of being in contact with the plantar surface, defines a dorsal surface that replicates said existing surface and said sheets thereby in combination define a second orthotic device having opposing dorsal and plantar surfaces, and adapting said second device to fit a specified item of footwear of the user.

7. The method of claim 6 wherein the second, thin sheet material is a thermoplastics material.

PCT/IB2009/055844
Received 12 April 2011

18. The device of claim 17 wherein the sheet thickness is in the range from 0.8 to 2.5mm.

19. The device of claim 17 or 18 wherein the sheet is substantially uniform in thickness.

20. The device of any one of claims 17 to 19 wherein the sheet has a peripheral zone corresponding to a therapeutically non-essential area of the existing orthotic device.

21. The device of claim 20 wherein the peripheral zone has a profile tapering from being relatively thick where it merges with the therapeutically shaped surface to being relatively thin at an opposed exterior edge.

22. The device of claim 21 wherein the thickness of the peripheral zone is less than about 2mm.

23. The device of claim 22 wherein the dorsal surface of the device has been replicated by having been placed in direct contact with the surface to be replicated.

24. The device of any one of claims 17 to 23 having width not exceeding the width of the desired item of footwear.

25. The device of any one of claims 17 to 24 manufactured to have user-preferred properties selected from hardness, softness, flexibility and rigidity.

26. The device of any one of claims 18 to 25 comprising adhesion means for inhibiting its movement within the foot-receiving space in use.

27. The device any one of claims 17 to 26 further having supporting means located in abutment to the sheet.

28. The device of claim 27 wherein the supporting means comprises a reinforcing layer for the sheet.

29. A method of manufacturing a new orthotic device, the method comprising the steps of providing an item of footwear with which an intended user desires to use the new device, determining design parameters for the new device to enable use thereof with the desired footwear, providing an existing orthotic device used by said user and having a therapeutically-shaped dorsal surface, providing a sheet of malleable

PCT/IB2009/055844
Received 12 April 2011

material, replicating the therapeutically-shaped surface of the existing orthotic device permanently on a surface of said sheet and adapting the shaped sheet to fit specifically with the desired item of footwear according to the user's preference, to define the new device.

30. The method of claim 29 wherein the design parameters are selected from shape, configuration, structure, materials, dimensions and combinations thereof.

31. The method of claim 29 or claim 30, wherein the step of determining the parameters comprises collecting data relating to one or more of the size, shape and configuration of the desired footwear item, size and weight of the user and the intended activities for which the device will be used.

32. The method of any one of claims 29 to 31, wherein the step of adapting the sheet includes one or more of trimming its size, adding a supporting portion, reducing its bulk and adding filler material between the composite reinforced device and a surface of the desired footwear item.

33. A custom-made orthotic device for insertion into a user's footwear, the device comprising a body formed from a sheet of self-supporting material having a therapeutically contoured dorsal surface and a lower portion adapted to fit the foot-receiving space of a particular item of footwear of a user and to the user's intended activity when wearing said footwear, wherein the dorsal surface replicates the therapeutic shape of a prior orthotic device of the user as a result of direct contact having been established during shaping of said surface with a therapeutically-shaped dorsal surface of said prior orthotic device.

34. A custom-made orthotic device for insertion into a user's footwear, the device comprising a body formed from a sheet of self-supporting material having a therapeutically contoured dorsal surface and a lower portion adapted to fit the foot-receiving space of a particular item of footwear of a user and to the user's intended activity when wearing said footwear, wherein the dorsal surface replicates the therapeutic shape of a prior orthotic device of the user as a result of direct contact having been established during shaping of said surface with a surface derived by way of a cast from a therapeutically-shaped dorsal surface of said prior orthotic device.

PCT/IB2009/055844
Received 12 April 2011

35. The device of claim 33 or claim 34 further comprising a comfort-providing and cosmetic layer applied to the dorsal surface.

PCT/IB2009/055844
Received 11 May 2011

8. The method of claim 5 wherein the step of adapting the sheet includes identifying an area of said existing orthotic device that is not therapeutically essential to the functioning of the device and identifying a corresponding area of the sheet, so as to define a peripheral zone thereof.

9. The method of claim 8 including diminishing the peripheral zone to a minimum practical thickness.

10. The method of claim 8 including reducing the surface area of the peripheral zone.

11. The method of any one of claims 8 to 10 further comprising providing the peripheral zone with a profile that tapers from being relatively thick where it merges with the therapeutically-shaped surface, to being relatively thin at an opposed exterior edge.

12. The method of any one of claims 8 to 11 including affixing supporting means to the plantar surface of the sheet.

13. The method of claim 12 wherein the supporting means is selected to resist flexion of the sheet under force exerted by the weight of the user.

14. The method of claim 13 wherein the supporting means comprises a reinforcing layer.

15. The method of claim 14 including filling with a filler, at least partially, a void that would otherwise exist between the plantar surface of the device and a surface of the desired footwear when in use.

16. The method of claim 15 wherein the filler comprises a closed cell polymer.

17. A custom-made orthotic device comprising a sheet of shape-retaining material having a dorsal surface formed to replicate a therapeutically-functional shape defined by a dorsal surface of an existing orthotic device which provided a therapeutic benefit to an intended user of said custom-made device, said custom-made device being adapted to fit a foot-receiving space in a specific, desired item of footwear and to derive structural strength from the structure of the desired footwear.

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23550
HOFFMAN WARNICK LLC
75 State Street
14th Floor
Albany, NY 12207

MAILED
DEC 21 2011
PCT LEGAL ADMINISTRATION

In re Application of
DAVIDSON, Paul Anthony
Application No.: 13/257,366
PCT No.: PCT/GB2010/050466
Int. Filing Date: 19 March 2010
Priority Date: 19 March 2009
Attorney's Docket No.: Y17600
For: PIPE COUPLING

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 19 September 2011, applicants filed papers using the EFS-Web system to enter the national stage of PCT/GB2010/050466. This application was denoted as U.S. application number 13/257,366. Fees totaling $545.00 were paid.

On the same day (19 September 2011), a duplicate national stage application for PCT/GB2010/050466 was filed by another law firm (GOLD & RIZVI, P.A.). The U.S. application number in the second application was denoted as U.S. application No. 13/257,575. Fees totaling $623.00 were paid in the second application. This application was identified as a duplicate national stage application by the Office and was not processed further.

On 30 September 2011, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was mailed in the subject application. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 16 November 2011, an executed declaration and power of attorney was submitted in the subject application. The $65.00 surcharge fee was also paid.

On 30 November 2011, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt in U.S. Application No. 13/257,366.

DISCUSSION

As is evident from the above recited facts, two sets of papers were treated as separate national stage applications of PCT/GB2010/050466. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings on 19 September 2011 indicate that the filing is a "U.S. National Stage under 35 USC 371" of PCT/GB2010/050466. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be **MERGED** into one national stage application for PCT/GB2010/050466 denoted as U.S. application No. **13/257,366**.

Applicants must use only U.S. application No. **13/257,366** for all correspondence to the national stage application of PCT/GB2010/050466.

Applicants are advised that U.S. application No. 13/257,575 is no longer a valid U.S. National stage application. The $623.00 in fees paid in 13/257,575 have been refunded.

This application is being forwarded to the DO/EO/US for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: Glenn E. Gold
GOLD & RIZVI, P.A.
11575 Heron Bay Blvd., Suite 309
Coral Springs, FL 33076

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND, OH 44115-2191

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Kenji MIKI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/257,387	**: PROSECUTION HIGHWAY**
Filed: September 19, 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: MAEDP0170US	**: TO MAKE SPECIAL UNDER**
For: Heat Sink	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/257,452	Filing date:	September 19, 2011
First Named Inventor:	Ivo Mueller		
Title of the Invention:	COMBINED WASTE GAS TREATMENT OF WASTE GAS STREAMS CONTAINING AMMONIA AND NITROGEN OXIDES IN INDUSTRIAL PLANTS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/001576

The international filing date of the corresponding PCT application(s) is/are: March 12, 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/257,452
First Named Inventor:	Ivo Mueller

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 23, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 23, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
10	1	Rewritten in U.S. format
11	2	Rewritten in U.S. format
12	3	Singularly dependent, rewritten in U.S. format
13	4	Singularly dependent, rewritten in U.S. format
14	5	Singularly dependent, rewritten in U.S. format
15	6	Singularly dependent, rewritten in U.S. format
16	7	Singularly dependent, rewritten in U.S. format
17	7	Singularly dependent, rewritten in U.S. format
18	8	Singularly dependent, rewritten in U.S. format
19	9	Singularly dependent, rewritten in U.S. format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /John E. Nemazi/	Date 11/1/11
Name (Print/Typed) John E. Nemazi	Registration Number 30876

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/257,452	09/19/2011	Ivo Mueller	UHDE0111PUSA	8529

22045 7590 11/15/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

ART UNIT	PAPER NUMBER
1736	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BC

November 15, 2011

In re application of	:	DECISION ON REQUEST TO
Ivo Mueller et al.	:	PARTICIPATE IN PATENT
Serial No. 13/257,452	:	PROSECUTION HIGHWAY
Filed: September 19, 2011	:	PROGRAM AND
Attorney Docket No: UHDE0111PUSA	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 01, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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NOV 29 2011

PCT LEGAL ADMINISTRATION

MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

In re Application of	:	
ZION et al.	:	
Application No.: 13/257,507	:	
PCT No.: PCT/US2010/022272	:	DECISION
Int. Filing Date: 27 January 2010	:	
Priority Date: 20 March 2009	:	
Attorney's Docket No.: 23033-US-PCT	:	
For: SOLUBLE NON-DEPOT INSULIN	:	
CONJUGATES AND USES THEREOF	:	

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 27 January 2010, applicant filed international application PCT/US2010/022272 which designated the U.S. and claimed a priority date of 20 March 2009. The thirty-month period for paying the basic national fee in the United States expires at midnight on 20 September 2011.

On 19 September 2011, at 15:14:01, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The international application number keyed into EFS-Web was PCT/US10/22272. The submission was not accompanied by the U.S. Basic National Fee. These papers were identified with attorney docket number 23033-US-PCT. These application papers were **temporarily** assigned application number **13/257,439.**

On 19 September 2011, at 16:45:49, applicants filed another set of national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The international application number keyed into EFS-Web was again PCT/US10/22272. These papers were also identified with attorney docket number 23033-US-PCT. The U.S. Basic National Fee was included. These application papers were assigned application number **13/257,507**.

DISCUSSION

As is evident from the above recited facts, applicant submitted two sets of papers to enter the national stage for the same international application. The submission of two sets of national stage papers to enter the United States is improper.

35 U.S.C. 363 states:

> **An** international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of **a** national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in 102(e) of this title. (emphasis added)

Further, 35 U.S.C. 371(b) states:

> (b) Subject to subsection (f) of this section, **the** national stage shall commence with the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty. (emphasis added)

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only, and thus only one (1) national stage application in the U.S. may develop from an international application. The EFS-Web filings filed 19 September 2011 indicate that each submission is a "U.S. National Stage under 35 USC 371" of PCT/US2010/022272. No conflicting instructions appear in the application papers. Accordingly, each submission should have been treated as a national stage application submitted under 35 U.S.C. 371. In that only one national stage of a PCT application is permitted, it would have been proper for all of the submissions to be placed in a single application and assigned a single application number. Because application number **13/257,507** includes the U.S. Basic National Fee and has undergone further processing, the papers filed on 19 September 2011 and **temporarily** assigned application number 13/257,439 have been placed in application file **13/257,507**.

CONCLUSION

For the reasons set forth above, the application papers filed 19 September 2011 and **temporarily** assigned application number 13/257,439 have been placed in application file **13/257,507**.

Applicant should use application number **13/257,507** in all future communications with the USPTO in regards to the U.S. national stage of international application PCT/US2010/022272.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration; Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/257,573	09/19/2011	Yuichi Teramura	FJ-2009-128-PC-US	8080

21254 7590 11/21/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
11/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: TERAMURA, YUICHI Serial No.: 13/257,573 Filed: 09/19/2011 Attorney Docket No. : FJ-2009-128-PC-US Title: OPTICAL THREE-DIMENSIONAL STRUCTURE MEASURING DEVICE AND STRUCTURE INFORMATION PROCESSING METHOD THEREFOR	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Sep. 30, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

DOW CORNING CORPORATION CO1232
2200 W. SALZBURG ROAD
P.O. BOX 994
MIDLAND MI 48686-0994

In re Application of	:	
BAHADUR et al.	:	
Application No.: 13/257,659	:	DECISION
PCT No.: PCT/US2010/025302	:	
International Filing Date: 25 February 2010	:	
Priority Date: 29 May 2009	:	
Attorney Docket No.: DC10885PCT1	:	
For: SILICONE COMPOSITION FOR	:	
PRODUCING TRANSPARENT SILICONE	:	
MATERIALS AND OPTICAL DEVICES	:	

This decision is in response to applicants' second request for refund filed 26 March 2012.

BACKGROUND

On 25 February 2010, applicants filed international application PCT/US2010/025302, which designated the U.S. and claimed a priority date of 29 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 November 2011.

On 20 September 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the U.S. Basic National Fee. The submission included an authorization to charge any additional fees which might be required to Deposit Account 041520.

On 05 December 2011, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 20 September 2011 and a 35 U.S.C. 371 date of 29 November 2011.

On 08 December 2011, the United States Designated/Elected Office (DO/EO/US) issued a second Filing Receipt and a second NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 20 September 2011 and a 35 U.S.C. 371 date of 29 November 2011.

On 22 February 2012, applicants filed a request for refund.

On 28 February 2012, a Communication was mailed indicating that applicants' request for refund was denied.

On 23 February 2012, applicants filed an amendment to the claims.

On 26 March 2012, applicants filed the instant second request for refund.

DECISION

The petition requests that the multiple dependent claim fee ($390) and the excess claim fee ($1,456) charged to Deposit Account 041520 on 01 December 2011 and the excess claim fee ($2,912) charged to Deposit Account 041520 on 10 January 2012 be refunded. The petition urges that applicants' representative was not aware of the fact that multiple dependent claims were present and the claims of the instant application have not yet been examined.

Attention is directed to MPEP 1893.01(c) which states in part:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608.

Accordingly, regardless of whether applicants' representative was aware of the fact that multiple dependent claims were present or not, and regardless of whether the claims of the instant application have or have not yet been examined, the amendment to the claims filed 23 February 2012 does not entitle applicant to a refund of the multiple dependent claim fee and the excess claim fees previously charged to Deposit Account 041520.

CONCLUSION

For the reasons set forth above, the request for refund is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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NOV 01 2011
PCT LEGAL ADMINISTRATION

Scott A. Smith
12412 Powerscourt Drive
Suite 200
St. Louis, MO 63131

In re Application of Schroeder, Joseph E. Application No.: 13/257,666 PCT No.: PCT/US20008/057412 Int. Filing Date: 19 March 2008 Priority Date: 22 March 2007 Docket No.: NOOT 9869W1 For: HIGH EFFICIENCY FEEDWATER HEATER	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 20 September 2011.

BACKGROUND

On 19 March 2008, applicant filed international application PCT/US08/57412 which claimed a priority date of 22 March 2007. The deadline for payment of the basic national fee in the United States expired 22 September 2009.

On 20 September 2011, applicant filed a "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" which included: the basic national fee; the petition to revive fee, and an executed declaration/power of attorney.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the

due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, because the international application was filed in the United States Receiving Office, a copy of the international application is not required. The "required reply" is therefore a payment of the basic national fee. The Petition For Revival filed on 20 September 2011 was accompanied by a payment of the basic national fee. Thus, applicants have made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 22 September 2009. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by charge to counsel's Deposit Account No. 16-2201 for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 March 2008 and a date 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 September 2011.

This application is being returned to the United States/Elected Office for processing

in accordance with this decision.

Mark Ragland
Paralegal Specialist
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Bryan Lin
Office of PCT Legal Administration

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

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APR 03 2012
OFFICE OF PETITIONS

In re Application of
Hideaki Takahashi et al
Application No.: 13/257,694
Filed: November 18, 2011
Attorney Docket No.: 17470/165001
For: MOBILE COMMUNICATION METHOD, RADIO BASE STATION, AND RELAY NODE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 18, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of: TUIKKA, Tuomo, et al.
U.S. Application No.: 13/257,784
PCT No.: PCT/IB2009/000308
International Filing Date: 20 February 2009
Priority Date: 20 February 2009
Attorney's Docket No.: 3518-1062
For: SHORT-RANGE COMMUNICATION-ENABLED MOBILE DEVICE, METHOD AND RELATED SERVER ARRANGEMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 20 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/IB2009/000308 became abandoned with respect to the United States at midnight on 20 August 2011 based on applicants' failure to submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of the filing of the present national stage application and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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PCT LEGAL ADMINISTRATION

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:	DECISION ON
Ismagilov et al	:	
Application No.: 13/257,811	:	
Int. Application: PCT/US10/28316	:	
Int. Filing Date: 23 March 2010	:	REQUEST UNDER
Priority Date: 24 March 2009	:	
Attorney's Docket No.: 7814/323	:	
For: SLIP CHIP DEVICE AND	:	
METHODS	:	37 CFR 1.497(d)

This is a decision on applicants' "TRANSMITTAL; Statement from the person being deleted as an inventor in accordance with 37 CFR 1.497(d)(1)," filed on 22 September 2011, removing joint inventors from the executed declaration. The $130.00 processing fee has not been provided.

BACKGROUND

On 20 September 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration.

On 22 September 2011, applicants filed, inter alia, a request under 37 CFR 1.497(d), deleting joint inventors Weishan Liu, Liang Ma, Bing Sun, Toan Huynh, Rebecca R. Pompano, Elena Davydova, Songzi Kou, James Q. Boedicker, and Elena Marie Luchetta form the declaration.

On 25 October 2011, the United States Designated/Elected Office (DO/EO/US) prematurely mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), which indicated a date of receipt of 35 U.S.C. (c)(1), (c)(2), and (c)(4) of 20 September 2011.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied item (1) under 37 CFR 1.497(d), but not items (2) - (3).

With respect to item (1), the statements submitted on 22 September 2011 by Weishan Liu, Liang Ma, Bing Sun, Toan Huynh, Rebecca R. Pompano, Elena Davydova, Songzi Kou, James Q. Boedicker, and Elena Marie Luchetta are sufficient because the statements state that the error in inventorship occurred without deceptive intention.

With respect to item (2), the processing fee of $130.00 has not been provided.

With respect to item (3), University of Chicago, the assignees, has not consented to the correction of inventorship to the above application as there is not statement provided by the assignee. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b). In addition, who signs on behalf of the assignee must have either apparent authority because of the title is of Director or have authority to act on behalf of the assignee. Note MPEP 1820

Accordingly, the request does not all meet the items under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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P.O. BOX 10395
CHICAGO IL 60610

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In re Application of	:	DECISION ON
Ismagilov et al	:	
Application No.: 13/257,811	:	
Int. Application: PCT/US10/28316	:	
Int. Filing Date: 23 March 2010	:	REQUEST UNDER
Priority Date: 24 March 2009	:	
Attorney's Docket No.: 7814/323	:	
For: SLIP CHIP DEVICE AND	:	
METHODS	:	37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE," which is being treated as a renewed request under 37 CFR 1.497(d) filed on 18 January 2012.

BACKGROUND

In a decision from this Office mailed on 22 November 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 18 January 2012, applicants filed the current renewed request, which included, *inter alia*, a written consent from the assignee, University of Chicago signed by Alan Thomas to remove Weishan Liu, Liang Ma, Bing Sun, Toan Huynh, Rebecca R. Pompano, Elena Davydova, Songzi Kou, James Q. Boedicker, and Elena Marie Luchetta as a co-inventors.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d) as the assignee, University of Chicago, consents to correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the executed assignment as been recorded at Reel No.027182/ Frame No. 0884-0894. In addition, Alan Thomas has been empowered to act on behalf of the assignee.

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

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27387
NORRIS MCLAUGHLIN & MARCUS, PA
875 Third Ave., 8th Floor
New York, NY 10022

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OCT 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FUJINAMI *et al* :
U.S. Application No.: 13/257,855 :
PCT No.: PCT/JP2009/070526 :
Int. Filing Date: 08 December 2009 :
Priority Date: 11 December 2008 :
Docket No.: 1011621-53 :
For: DUAL-CARE CURABLE MATERIAL KIT :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 20 September 2011 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A surcharge fee of $130.00 has been charged to Deposit Account No. 14-1263 as authorized.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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In re Application of
Reinhart Rudershausen

Application No. 13257881

Filed:

Attorney Docket No. 93710-819351

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13257881	Confirmation Number	8042	Filing Date	2011-09-20
Attorney Docket Number (optional)	93710-819351	Art Unit		Examiner	Not yet assigned
First Named Inventor	Reinhart Rudershausen				
Title of Invention	CONVERTER FOR PERFECT DESPREADING OF ORTHOGONAL CDMA SEQUENCES				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Reinhart		Rudershausen	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Jason A. Sanders/	Date (YYYY-MM-DD)	2011-09-21
Name	Jason A. Sanders	Registration Number	59984

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:	13258056	Filing date:	2011-10-14
First Named Inventor:	Peter Szakalos		
Title of the Invention:	SCALING, DEPOSITION AND GENERAL COPPER CORROSION ELIMINATION IN CLOSED COOLING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/SE2010/050409

The international filing date of the corresponding PCT application(s) is/are: 16 APRIL 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO

(continued)

Application No.:	13258056
First Named Inventor:	Peter Szakalos

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 21 September 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 21 September 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
11	1	same claim breadth, characterized removed
12	2	characterized removed
13	3	multiple dependency removed
14	4	same claim
15	5	dependent use claim converted to independent method claim
16	6	multiple dependency removed
17	7	multiple dependency removed
18	8	reference Nos. removed
19	9	reference Nos. removed
20	10	multiple dependency removed
21	10	multiple dependency removed
22	6	multiple dependency removed
23	7	multiple dependency removed

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /jsm/	Date 1 November 2011
Name (Print/Typed) Jeffrey S. Melcher	Registration Number 35950

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/258,140	Filing Date:	September 21, 2011
First Named Inventor:	Takashi FURUTANI et al.	Attorney Docket No.:	2011_1378A
Title of the Invention:	PLASMA DISPLAY PANEL		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number is: PCT/JP2011/000820

The international date of the corresponding PCT application is: February 15, 2011

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

[ ] is attached.
[X] Has already been filed in the above-identified U.S. application on September 21, 2011.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on September 21, 2011.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	13/258,140
First Named Inventor:	Takashi FURUTANI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	US Claim 1 includes the limitations of patentable PCT dependent claim 2
3	2	US Claim 3 depends from US Claim 1, which includes the limitations of patentable PCT dependent claim 2
4	2	US Claim 4 indirectly depends from US Claim 1, which includes the limitations of patentable PCT dependent claim 2
5	6	US Claim 5 includes the limitations of patentable PCT dependent claim 6
7	6	US Claim 7 depends from US Claim 5, which includes the limitations of patentable PCT dependent claim 6
8	6	US Claim 8 depends from US Claim 5, which includes the limitations of patentable PCT dependent claim 6
11	2	US Claim 11 includes limitations from PCT claim 9, but depends from US Claim 1, which includes the limitations of patentable PCT dependent claim 2
12	6	US Claim 12 includes limitations from PCT claim 9, but depends from US Claim 5, which includes the limitations of patentable PCT dependent claim 6
13	2	US Claim 13 includes limitations from PCT claim 10, but depends from US Claim 1, which includes the limitations of patentable PCT dependent claim 2
14	6	US Claim 14 includes limitations from PCT claim 10, but depends from US Claim 5, which includes the limitations of patentable PCT dependent claim 6

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jeffrey R. Filipek/ 2011.09.22 12:48:49 -04'00'	Date: September 22, 2011
Name: (Print/Type) Jeffrey R. Filipek	Registration No. 41,471

VERIFICATION OF TRANSLATION

I, the below named translator, hereby declare:

1. That my name and address are as stated below;

2. That I am conversant with the English and Japanese languages, and to the best of my knowledge and belief the translation of the Claims of PCT Application and the Written Opinion of the International Searching Authority (WOISA), in which the Claims of PCT Application were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application: PCT/JP2011/000820, is a true and complete translation.

Full name of the translator: Tsuneo Ikura

Signature of the translator:

Address: Panasonic Corporation
Intellectual Property Rights Operations Company
IP Solutions Center
6F OBP Panasonic Tower, 1-61, Shiromi 2-chome, Chuo-ku,
Osaka-shi, Osaka 540-6206 Japan

Date: 31 August, 2011

PATENT COOPERATION TREATY

From THE JAPAN PATENT OFFICE
INTERNATIONAL SEARCHING AUTHORITY

To:
PANASONIC CORPORATION
Attn. Naito, Hiroki
1006, Oaza Kadoma
Kadoma-shi
Osaka 571-8501
JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(Implementing Regulation 40 bis 2)
(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	10.05.2011
Applicant's or agent's file reference P606537P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2011/000820	15.02.2011	22.02.2010

International Patent Classification (IPC) Int. Cl. H01J11/02(2006.01)i, H01J9/02(2006.01)i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion 26.04.2011			
Name and mailing address of the ISA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915 Japan	JPO Examiner (Authorized officer) Tomokazu MURAI Telephone No. 03-3581-1101 (3226)	2G	3207

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/JP2011/000820

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the bases of:

a. format of material

☐ on paper

☐ in electronic form

b. time of filing/furnishing

☐ contained in the international application as filed

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purpose of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/JP2011/000820

Box No. IV Lack of unity of invention

1. ☒ In response to the invention (From PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
   - ☒ paid additional fees
   - ☐ paid additional fees under protest and, where applicable, the protest fee
   - ☐ paid additional fees under protest but the applicable protest fee was not paid
   - ☐ a not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
   - ☐ complied with
   - ☒ not complied with for the following reasons:

As described below, the subject application includes three inventions, thereby failing to meet the requirements of the unity of invention.

Document 1: JP 2007-317524 A (Matsushita Electric Industrial Co., Ltd.)
December 6, 2007
ABSTRACT, [0031] - [0035], FIG. 2, FIG. 3
(No Family Patent Application)

The invention as in claim 1 lacks the novelty in light of the invention disclosed in the document 1, failing to present any distinctly advantageous technical feature. It was examined whether the inventions recited in claims 1 to 10 included any distinctly advantageous technical feature as of when the payment of an additional handling charge was requested. As a result, these inventions include three interrelated inventions in view of the following distinctly advantageous technical features. The invention as in claim 1 lacking any distinctly advantageous technical feature, and the inventions as in claims 2 to 4 for which the examination had been completed as of when the payment of an additional handling charge was requested are included in the principal inventions.

Principal Inventions:	Claims 1 to 4
Second Invention:	Claims 5 to 8
	Inventions which share the technical matter recited in claim 5 as a distinctly advantageous technical feature
Third Invention:	Claims 9 to 10
	Inventions which share the technical matter recited in claim 9 as a distinctly advantageous technical feature

4. Consequently, this option has been established in respect of the following parts of the international application:
   - ☒ all parts
   - ☐ in parts relating to claims Nos._____

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/JP2011/000820

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 4-10	YES
	Claims	1, 3	NO
Inventive step (IS)	Claims	2, 6	YES
	Claims	1, 3-5, 7-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2007-317524 A (Matsushita Electric Industrial Co., Ltd.)

December 6, 2007

ABSTRACT, [0031] - [0035], FIG. 2, FIG. 3

(No Family Patent Application)

Document 2: JP 2007-157517 A (Fujitsu Hitachi Plasma Display Ltd.)

June 21, 2007, [0020]

& US 2007/0126360 A1 & CN 1979614 A & KR 10-2007-0059943 A

Document 3: JP 2003-242893 A (Sony Corporation)

August 29, 2003, [0014], [0018]

(No Family Patent Application)

The document s 1 to 3 were cited in the ISR.

○ The inventions recited in claims 1 and 3 lack the novelty and inventive step in light of the invention disclosed in the document 1.

○ The invention recited in claim 2 was neither disclosed nor implied in any of the documents cited in the ISR, and was not obvious for the ordinarily skilled in the art.

○ The invention recited in claim 4 lacks the inventive step in light of the invention disclosed in the document 1.

The operational effect exerted by the invention recited in claim 4 (see [0048]) is not beyond the technical scope that would have been easily predicted from the document 1.

○ The inventions recited in claims 5, and 7 to 8 lack the inventive step in light of the invention disclosed in the document 1.

It would have been easily anticipated from the document 1 by the ordinarily skilled in the art to include the spherical particles which are hollowed out inside (corresponding to "hollow fine particles" recited in claim 5) and the spherical porous material (corresponding to "glass fine particles" recited in claim 5) in the dielectric layer.

○ The invention recited in claim 6 was neither disclosed nor implied in any of the documents cited in the ISR, and was not obvious for the ordinarily skilled in the art.

○ The inventions recited in claims 9 to 10 lack the inventive step in light of the invention disclosed in the documents 1 to 3.

It would have been easily anticipated from the document 1 by the ordinarily skilled in the art to include the spherical particles which are hollowed out inside in the dielectric layer so that the relative dielectric constant of the dielectric layer is adjusted in the PDP disclosed in the document 2.

Further, it is not a distinctive technical achievement to include xenon by 15 to 30 vol.%

The operational effect exerted by the relative dielectric constant and the film thickness of the dielectric layer recited in claim 9 is a known matter included in the technical scope that would have been easily predicted by the ordinarily skilled in the art as already disclosed in the document 3.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
内藤　浩樹
様

あて名
〒571-8501
日本国大阪府門真市大字門真１００６番地パナソニック株式会社内

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	１０．０５．２０１１
出願人又は代理人 の書類記号　P606537P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１１／０００８２０	（日.月.年）　１５．０２．２０１１	（日.月.年）　２２．０２．２０１０

国際特許分類（ＩＰＣ）Int.Cl. H01J11/02(2006.01)i, H01J9/02(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ｉ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☑ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２６．０４．２０１１

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 村井　友和 電話番号　０３－３５８１－１１０１　内線　３２２６	２Ｇ	３２０７

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１１／０００８２０

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１１／０００８２０

第Ⅳ欄　発明の単一性の欠如

1．☑ 追加手数料の納付命令書（様式ＰＣＴ／ＩＳＡ／２０６）に対して、出願人は、規定期間内に、

☑ 追加手数料を納付した。

☐ 追加手数料及び、該当する場合には、異議申立手数料の納付と共に、異議を申し立てた。

☐ 追加手数料の納付と共に異議を申し立てたが、規定の異議申立手数料を支払わなかった。

☐ 追加手数料を納付しなかった。

2．☐ 国際調査機関は、発明の単一性の要件を満たしていないと判断したが、追加手数料の納付を出願人に求めないこととした。

3．国際調査機関は、ＰＣＴ規則 13.1、13.2 及び 13.3 に規定する発明の単一性を次のように判断する。

☐ 満足する。

☑ 以下の理由により満足しない。

以下の理由により、この出願は発明の単一性を満たさない３の発明を含む。

文献１：JP 2007-317524 A(松下電器産業株式会社)2007.12.06
[要約][0031]-[0035][図2][図3](ファミリーなし)

請求項１に係る発明は、文献１に記載された発明に対して新規性が認められず、特別な技術的な特徴を有しない。そこで、請求項１－１０に対して、手数料の追加納付命令時点での特別な技術的特徴を判断すると、以下に示す各特別な技術的特徴で連関する３の発明が含まれているものと認められる。なお、特別な技術的特徴を有しない請求項１に係る発明、及び手数料の追加納付命令時点で調査が実質的に終了している請求項２－４に係る発明は、主発明に区分する。

主発明：請求項１－４
第２発明：請求項５－８
請求項５記載の事項を特別な技術的特徴とする発明。
第３発明：請求項９－１０
請求項９記載の事項を特別な技術的特徴とする発明。

4．　したがって、国際出願の次の部分について、この見解書を作成した。

☑ すべての部分

☐ 請求項 ＿＿＿＿＿＿＿＿＿＿ に関する部分

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１１／０００８２０

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	２、４－１０	有
	請求項	１、３	無
進歩性（ＩＳ）	請求項	２、６	有
	請求項	１、３－５、７－１０	無
産業上の利用可能性（ＩＡ）	請求項	１－１０	有
	請求項		無

２．　文献及び説明

文献１：JP 2007-317524 A(松下電器産業株式会社)2007.12.06
[要約][0031]-[0035][図2][図3](ファミリーなし)

文献２：JP 2007-157517 A(富士通日立プラズマディスプレイ株式会社)
2007.06.21,[0020]
& US 2007/0126360 A1 & CN 1979614 A & KR 10-2007-0059943 A

文献３：JP 2003-242893 A(ソニー株式会社)2003.08.29,[0014][0018]
(ファミリーなし)

前記文献１－３は国際調査報告で引用された文献である。

○請求項１、３に係る発明は文献１から新規性及び進歩性を有しない。

○請求項２に係る発明は、国際調査報告で引用された何れの文献にも記載も示唆もされていないし、当業者にとって自明でもない。

○請求項４に係る発明は文献１から進歩性を有しない。
請求項４による効果([0048]参照)は、文献１から予測しうる範囲内のものである。

○請求項５、７－８に係る発明は文献１から進歩性を有しない。
文献１から、誘電体層に、中空球体の粒状体（請求項５の「中空微粒子」に相当）と球状の多孔質体（請求項５の「ガラス微粒子」に相当）を含めることは、当業者にとって容易である。

○請求項６に係る発明は、国際調査報告で引用された何れの文献にも記載も示唆もされていないし、当業者にとって自明でもない。

補充欄

いずれかの欄の大きさが足りない場合

第 Ｖ 欄の続き

○請求項９－１０に係る発明は文献１－３から進歩性を有しない。

文献２のＰＤＰにおいて、文献１から、誘電体層に中空球体の粒状体を含有させて、比誘電率を調節することは、当業者にとって容易である。

また、キセノンを１５～３０体積％とすることが格別のこととは認められない。

請求項９における誘電体層の比誘電率及び膜厚の効果は、文献３にも記載されているとおり公知であり、当業者が予測しうる範囲内のものである。

CLAIMS

1. A plasma display panel, comprising:

a front plate and

a rear plate disposed so as to face the front plate,

wherein the front plate includes display electrodes and a dielectric layer formed to coat the display electrodes,

the dielectric layer includes hollow fine particles, which are hollowed out inside, and a glass layer, and

the hollow fine particles are dispersed in the dielectric layer.

2. The plasma display panel according to claim 1, wherein

an average particle diameter of the hollow fine particles is not more than 100 nm and a largest particle diameter thereof is not more than 400 nm.

3. The plasma display panel according to claim 1 or 2, wherein

a main ingredient of the hollow fine particles is silicon dioxide, aluminum oxide, zinc oxide, or gallium oxide, or a composite oxide containing at least one of these oxides.

4. The plasma display panel according to claim 3, wherein

the hollow fine particles are included in the dielectric layer in an amount ranging from not less than 10 vol.% to not more than 74 vol.%.

5. A plasma display panel, comprising:

a front plate and

a rear plate disposed so as to face the front plate,

wherein the front plate includes display electrodes and a dielectric layer formed to coat the display electrodes, and

the dielectric layer includes hollow fine particles, which are hollowed out inside, and glass fine particles.

6. The plasma display panel according to claim 5, wherein

an average particle diameter of the hollow fine particles is not more than 100 nm and a largest particle diameter thereof is not more than 400 nm, and

an average particle diameter of the glass fine particles is not more than 100 nm and a largest particle diameter thereof is not more than 400 nm.

7. The plasma display panel according to claim 6, wherein

the dielectric layer further includes a glass layer.

8. The plasma display panel according to claim 5, wherein

a main ingredient of the hollow fine particles is silicon dioxide, aluminum oxide, zinc oxide, or gallium oxide, or a composite oxide containing at least one of these oxides.

9. A plasma display panel, comprising:

a front plate and

a rear plate disposed so as to face the front plate,

wherein a discharge space is formed between the front plate and the rear plate,

a discharge gas containing xenon in an amount ranging from not less than 15 vol.% to not more than 30 vol.% is enclosed in the discharge space,

the front plate includes display electrodes and a dielectric layer formed to coat the display electrodes,

the dielectric layer includes hollow fine particles which are hollowed out inside, and

a relative dielectric constant of the dielectric layer ranges from not less than 2.0 to not more than 4.0, and a film thickness thereof is not more than 20 μm.

10. The plasma display panel according to claim 9, wherein

a main ingredient of the hollow fine particles is silicon dioxide, aluminum oxide, zinc oxide, or gallium oxide, or a composite oxide containing at least one of these oxides, and

the hollow fine particles have a spherical shape or a polyhedral shape.

【書類名】請求の範囲

【請求項１】

前面板と、

前記前面板と対向配置された背面板と、を備え、

前記前面板は、表示電極と前記表示電極を覆う誘電体層とを有し、

前記誘電体層は、内部が中空である中空微粒子とガラス層とを含み、

前記中空微粒子は、前記誘電体層中に分散している、

プラズマディスプレイパネル。

【請求項２】

前記中空微粒子は、平均粒径が１００ｎｍ以下、かつ、最大粒径が４００ｎｍ以下である、

請求項１に記載のプラズマディスプレイパネル。

【請求項３】

前記中空微粒子の主成分は、二酸化珪素、または酸化アルミニウム、または酸化亜鉛、または酸化ガリウム、またはこれらの複合酸化物である、

請求項１または請求項２のいずれか一項に記載のプラズマディスプレイパネル。

【請求項４】

前記誘電体層における前記中空微粒子の含有量は、１０体積％以上、７４体積％以下である、

請求項３に記載のプラズマディスプレイパネル。

【請求項５】

前面板と、

前記前面板と対向配置された背面板と、を備え、

前記前面板は、表示電極と前記表示電極を覆う誘電体層とを有し、

前記誘電体層は、内部が中空である中空微粒子とガラス微粒子とを含む、

プラズマディスプレイパネル。

【請求項６】

前記中空微粒子は、平均粒径が１００ｎｍ以下、かつ、最大粒径が４００ｎｍ以下であり、前記ガラス微粒子は、平均粒径が１００ｎｍ以下、かつ、最大粒径が

４００ｎｍ以下である、

請求項５に記載のプラズマディスプレイパネル。

【請求項７】

前記誘電体層は、さらに、ガラス層を含む、

請求項６に記載のプラズマディスプレイパネル。

【請求項８】

前記中空微粒子の主成分は、二酸化珪素、または酸化アルミニウム、または酸化亜鉛、または酸化ガリウム、またはこれらの複合酸化物である、

請求項５に記載のプラズマディスプレイパネル。

【請求項９】

前面板と、

前記前面板と対向配置された背面板と、を備え、

前記前面板と前記背面板との間に放電空間が形成され、

前記放電空間には、キセノンを１５体積％以上３０体積％以下含む放電ガスが封入され、

前記前面板は、表示電極と前記表示電極を覆う誘電体層とを有し、

前記誘電体層は、内部が中空である中空微粒子を含み、かつ、比誘電率が２．０以上４．０以下であり、かつ、膜厚が２０μｍ以下である、

プラズマディスプレイパネル。

【請求項１０】

前記中空微粒子の主成分は、二酸化珪素、または酸化アルミニウム、または酸化亜鉛、または酸化ガリウム、またはこれらの複合酸化物であり、さらに前記中空微粒子は、球形状または多面体形状である、

請求項９に記載のプラズマディスプレイパネル。

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED
APR 10 2012
PCT LEGAL ADMINISTRATION

In re Application of Nogami et al. Application No.: 13/258,268 PCT No.: PCT/JP2010/002152 Int. Filing Date: 25 March 2010 Priority Date: 26 March 2009 Attorney Docket No.: P40813 For: Semiconductor Substrate, Semiconductor Device, And Method Of Producing Semiconductor Substrate:	:	DECISION ON PETITION

This is in response to the correspondence filed on 21 September 2011.

BACKGROUND

International application PCT/JP2010/002152 was filed on 25 March 2010, claimed an earlier priority date of 26 March 2009, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 30 September 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 September 2011. Applicants filed *inter alia* a basic national fee in 13/258,268 on 21 September 2011.

On 02 November 2011, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

Review of the instant application file reveals that *inter alia* the Application Data Sheet, declaration and transmittal letter filed on 21 September 2011 refer to international application PCT/JP2010/002152, whereas the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicant indicated that "PCT/JP2010/002142" was to enter the national stage. Inspection of published international application PCT/JP2010/002152 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 21 September 2011 are **NOT ACCEPTED** for processing under 35 U.S.C. 371, without prejudice, as described above.

In view of this status, the Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 02 November 2011 were issued in error, and are hereby **VACATED**.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner .
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
NOV 29 2011
PCT LEGAL ADMINISTRATION

In re Application of GUO, Xin Application No.: 13/258,401 PCT No.: PCT/CN20009/074016 Int. Filing Date: 18 September 2009 Priority Date: 09 March 2009 Docket No.: BHYI.P-277 113724PCT-US-Z For: DEVICE AND METHOD FOR IMPLEMENTING CLOCK TRANSPARENT TRANSMISSION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 23 September 2011.

BACKGROUND

On 18 September 2009, applicant filed international application PCT/CN09/74016 which claimed a priority date of 09 March 2009. The deadline for payment of the basic national fee in the United States expired 09 September 2011.

On 23 September 2011, applicant filed a "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" which included: the basic national fee; the petition to revive fee, and an executed declaration/power of attorney.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the

due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, a copy of the international application was communicated to the United States Designated/Elected Office by the International Bureau. The "required reply" is therefore a payment of the basic national fee. The Petition For Revival filed on 23 September 2011 was accompanied by a payment of the basic national fee. Thus, applicants have made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 09 September 2011. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by a credit card payment for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 September 2009 and a date 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 September 2011.

This application is being returned to the United States/Elected Office for processing

in accordance with this decision.

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Richard Cole
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JAN 27 2012
OFFICE OF PETITIONS

**INTELLECTUAL PROPERTY LAW
OFFICE DAVID LATHROP
NO. 827
39120 ARGONAUT WAY
FREMONT CA 94538**

**In re Application of
FUKUSHIMA, et al
Application No.: 13/258,444
Filed: September 21, 2011
Attorney Docket No.: NAA312
For: CLICK MECHANISM FOR
ELECTRIC PART**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

DEC 22 2011

PCT LEGAL ADMINISTRATION

LAW OFFICE OF JAY R. YABLON
910 NORTHUMBERLAND DRIVE
SCHENECTADY NY 12309-2814

In re Application of: BAR NOY, Ilan, et al.
U.S. Application No.: 13/258,524
PCT No.: PCT/IL2010/000341
International Filing Date: 27 April 2010
Priority Date: 03 May 2009
Attorney's Docket No.: BARP001NAT
For: COLLAPSIBLE WHEELED STRETCHER

DECISION

This decision is issued in response to applicants "Reply To Formalities Letter Dated October 7, 2011" filed on 07 October 2011, considered herein as a petition under 37 CFR 1.181 to vacate the "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed on 07 October 2011. No petition fee is required.

BACKGROUND

On 27 April 2010, applicants filed international application PCT/IL2010/000341. The international application claimed a priority date of 03 May 2009, and it designated the United States. On 11 November 2010, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 November 2011.

On 14 April 2011, an "International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)" (Form PCT/IPEA/409) was issued by the IPEA/US (hereinafter "IPRP"). Annexed to the IPRP was a set of amended claims.

On 22 September 2011, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, an executed declaration, a Preliminary Amendment, and a fee payment that included the small entity basic national fee and the fee for inclusion of 5 total claims over 20.

On 07 October 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) requiring submission of $90 in extra claims fees (based on the inclusion of 8 total claims over 20) and $225 as the fee for inclusion of a multiple dependent claim.

On 07 October 2011, applicants filed the "Reply To Formalities Letter Dated October 7, 2011" considered herein as a petition under 37 CFR 1.181 to vacate the Notification Of Insufficient Fees.

DISCUSSION

Applicants' present submission asserts that the additional claims fees required by the Notification Of Insufficient Fees were improperly calculated based on the claims in the published international application. Applicants argue that the claims fees should be calculated based on the Preliminary Amendment filed on 22 September 2011 and that, because such amendment contains 25 total claims and no multiple dependencies, no additional claims fees are required.

A review of the application file reveals that the published international application contained 28 total claims, including a multiple dependent claim. These claims were amended during the international phase pursuant to PCT Article 34. The claims as amended during the international phase are annexed to the IPRP and contain 25 total claims, with no multiple dependencies. Upon entering the national stage in the United States, applicants submitted a Preliminary Amendment specifically directed to the claims as previously amended under PCT Article 34. Like the claims as amended under Article 34, the Preliminary Amendment contains 25 total claims, with no multiple dependencies.[1]

The amended claims annexed to the IPRP superseded the original claims set forth in the published international application. See MPEP section 1893.01(a)(3). Thus, regardless of whether the Preliminary Amendment filed with the national stage submission is entered, the claims fees due herein are properly calculated based on 25 total claims, with no multiple dependent claims (i.e., the claims as amended).

The Notification of Insufficient Fees mailed on 07 October 2011, which was calculated based on the 28 total claims and multiple dependencies contained in the superseded claims of the published international application, was issued in error and is appropriately vacated. Applicants have paid the claims fees applicable to the present national stage application (i.e., the fee for inclusion of 5 total claims over 20).

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED** to the following extent.

The "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed on 07 October 2011 is hereby **VACATED**.

Applicants have paid the applicable claims fees for the present application.

---

[1] It is noted that the Preliminary Amendment filed on 22 September 2011 is not in compliance with the requirements for a proper amendment in that it is unsigned. See MPEP section 714.01: "An amendment must be signed by a person having authority to prosecute the application. An unsigned or improperly signed amendment will not be entered."

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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LAW OFFICE OF JAY R. YABLON
910 NORTHUMBERLAND DRIVE
SCHENECTADY, NY 12309-2814

MAILED
MAR 08 2012
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In re Application of Ilan Bar Noy et al. :
Application No. 13/258,524 :
Int'l Filing Date: April 27, 2010 :
Attorney Docket No. BARP001NAT :
Pub. No. US 2012/0007340 A1 :
Pub. Date: January 12, 2012 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 17, 2012.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The failure to include changes made by the preliminary amendment filed September 22, 2011, was not an Office error. Specifically, a copy of the application, as amended, was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does *not* require the Office to include such changes in the publication.

In view of the prior discussion, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/258,602	09/22/2011	Eisaku Kakiuchi	13596/61	7380

23838 7590 11/21/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
11/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of: KAKIUCHI, EISAKU et al Serial No.: 13/258,602 Filed: Sep. 22, 2011 Attorney Docket No. : 13596/61 Title: HEAT EXCHANGER AND METHOD OF MANUFACTURING THE SAME	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Oct. 31, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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APR 12 2012
OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of Toshifumi Hirashima Application No.: 13/258,676 Filed: 22 September 2011 Attorney Docket No.: 089318-0016 For: **CLOTHES HAVING A WAIST PORTION**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 30 January 2012, to make the above-identified application special, which is being treated under the provisions of PPH 2.0.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
3. Examination of the U.S. application has not begun;
4. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (4)(a)(i)-(ii) above
5. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 22 2012
OFFICE OF PETITIONS

OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT, LLP
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Yasuki Kato et al
Application No.: 13/258,797
Filed: December 29, 2011
Attorney Docket No.: 379867US99PCT
For: DISRUPTIVE POLYMER MICELLE COMPOSITION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 29, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Ramesh Krishnamurthy

for David Bucci RAMESH KRISHNAMURTHY
Petitions Examiner
Office of Petitions

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Wenderoth, Lind & Ponack, L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

MAILED
OCT 24 2011
PCT LEGAL ADMINISTRATION

In re Application of
SAWANOI et al.
Application No.: 13/258,822
PCT No.: PCT/JP2009/069455
Int. Filing Date: 16 November 2009
Priority Date: 25 March 2009
Attorney Docket No.: 2011-1455A
For: GLASS COMPOSITION FOR GLASS FIBER, GLASS FIBER, AND GLASS FIBER SHEET

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Correction of Transliteration in Inventor Name" filed 22 September 2011 notifying the Office that the correct spelling of the second inventor's name is JIRO ABE, as indicated on the declaration rather than Ziro Abe as indicated on the published international application. Applicant's request has been treated under 37 CFR 1.181 to accept the declaration filed 22 September 2011. No petition fee is due.

Petitioner states that the correct spelling of the second inventor's name is JIRO ABE. Further, petitioner states that the spelling error contained in the published international application resulted from a transliteration error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the second inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 22 September 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Scully Scott Murphy
& Presser PC
400 Garden City Plaza
Suite 300
Garden City, NY 11530

MAILED
NOV 22 2011
PCT LEGAL ADMINISTRATION

In re Application of Zhang, Xianzhou Application No.: 13/258,918 PCT No.: PCT/CN20009/073709 Int. Filing Date: 02 September 2009 Priority Date: 31 December 2008 Docket No.: 28079 For: METHOD AND SYSTEM FOR RANDOM ACCESS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 22 September 2011.

BACKGROUND

On 02 September 2009, applicant filed international application PCT/CN09/73709 which claimed a priority date of 31 December 2008. The deadline for payment of the basic national fee in the United States expired 30 June 2011.

On 22 September 2011, applicant filed a "Petition for Revival of an International Application Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" which included: the basic national fee; the petition to revive fee, and an executed declaration/power of attorney.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee

required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, a copy of the international application was communicated to the United States Designated/Elected Office by the International Bureau. The "required reply" is therefore a payment of the basic national fee. The Petition For Revival filed on 22 September 2011 was accompanied by a payment of the basic national fee. Thus, applicants have made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 30 June 2011. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by charge to counsel's Deposit Account No. 19-1013 for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 02 September 2009 and a date 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 September 2011.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Mark Ragland
Paralegal Specialist
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Richard Cole
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of
Takashi TATSUZAWA, et al.
Application No.: 13/258,960
Filed: 22 September 2011
Attorney Docket No.: SOEI0095
For: ADHESIVE MATERIAL REEL

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 30 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JAN 20 2012

OFFICE OF PETITIONS

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of : DECISION ON REQUEST TO
Shigeo FUSHITANI et al. : PARTICIPATE IN PPH PROGRAM
Application No. 13/258,979 : AND PETITION TO MAKE SPECIAL
Filed: September 22, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 10873.2486USWO :
For: FLAMEPROOF RAYON FIBER, METHOD FOR MANUFACTURING THE SAME AND FLAMEPROOF FIBER STRUCTURE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 5, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney,.Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 1786 for action commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci RAMESH KRISHNAMURTHY
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/259,065	Filing date:	September 22, 2011
First Named Inventor:	Satoru Nakanishi		
Title of the Invention:	FACE FEATURE POINT DETECTION DEVICE AND PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/055454

The international date of the corresponding PCT application(s) is/are: March 26, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/259,065
First Named Inventor:	Satoru Nakanishi

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 22, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on September 22, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims are substantially identical except that the term "means" has been replaced with "section"
2	2	The claims are substantially identical except that the term "means" has been replaced with "section"
3	3	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
4	4	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
5	5	The claims are substantially identical except that the term "means" has been replaced with "section" and multiple dependency has been eliminated
6	6	The claims are substantially identical except that the term "means" has been replaced with "section" and the claim has been amended to use US format
7	7	The claims are substantially identical except that the term "means" has been replaced with "section",
		multiple dependency has been eliminated and the claim has been amended to use US format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/John M. Bird/ # 46,027, John M. Bird for:	Date	January 12, 2012
Name (Print/Typed)	Steven M. Gruskin	Registration Number	36,818

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the
JAPANESE PATENT OFFICE (INTERNATIONAL SEARCHING AUTHORITY)

To:	PCT
NAKAJIMA, Jun c/o TAIYO, NAKAJIMA & KATO, 3-17, Shinjuku 4-chome, Shinjuku-ku, Tokyo 160-0022, Japan	WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Enforcement Regulation 40(2)) [PCT Rule 43*bis*.1]
	Date of mailing (*day/month/year*) 25 May 2010 (25. 05. 2010)

Applicant's or agent's file reference CO-F03436-00		FOR FURTHER ACTION: See paragraph 2 below
International Application No. PCT/JP2010/055454	International filing date (*day/month/year*) 26 March 2010 (26. 03. 2010)	Priority date (*day/month/year*) 2 April 2009 (02. 04. 2009)
International Patent Classification (IPC) Int.Cl. G06T 1/00 (2006. 01)i, G06T 7/00 (2006. 01)i		
Applicant (Name) Aisin Seiki Co., Ltd.		

1. This opinion contains indications relating to the following items:

- ☑ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step, and industrial applicability
- ☐ Box No .IV Lack of unity of invention
- ☑ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☑ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months form the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion 11 May 2010 (11. 05. 2010)	
Name and mailing address of the ISA/JP Japanese Patent Office (ISA/JP) 4-3, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-8915, Japan	5H 9178 Patent Examiner (Authorized officer) OKAMOTO, Toshitake Telephone No. 03-3581-1101 ext. 3531

Form PCT/ISA/237 (cover sheet) (July 2009)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/055454

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
   ☑ the international application in the language in which it was filed
   ☐ a translation of the international application into_____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing field or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/055454

Box No. V Reasoned statement under 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1 - 7	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1 - 7	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1 - 7	YES
	Claims NONE	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: JP 2009-3644 A (TOYOTA JIDOSHA KABUSHIKI KAISHA, KABUSHIKI KAISHA TOYOTA CHUO KENKYUSHO) 08 January 2009

D2: JP 2007-265367 A (FUJIFILM CORPORATION) 11 October 2007

Re: Claim 1

A configuration which corresponds to "position detection means" is described in cited reference 2 which has been cited in this international search report, but none of "..... first computation means", "..... second computation means", and "..... position determination means" is described in the above-described documents. Also, claim 1 is not obvious to a person skilled in the art.

Re: Claims 2 - 5, and 7

These claims each cite claim 1.

Re: Claim 6

Claim 6 is a claim presented by changing the category of the invention recited in claim 1, and is therefore similar to claim 1.

請求の範囲

[請求項1] 目頭及び目尻を備えた目領域を含む画像の画像データを取得する取得手段と、

前記取得手段で取得した画像データから、パターンマッチングにより目頭の第１位置及び目尻の第１位置を検出する位置検出手段と、

前記位置検出手段で検出された目頭の第１位置及び目尻の第１位置を端点とする上側の曲線及び下側の曲線で表され、かつ前記上側の曲線上に定めた上瞼位置を第１のパラメータ及び前記下側の曲線上に定めた下瞼位置を第２のパラメータとする第１の瞼形状モデルにおいて、前記第１のパラメータ及び前記第２のパラメータを変更したときの前記第１の瞼形状モデルと前記画像に含まれる瞼の形状とが一致する度合いを示す第１の尤度を、前記第１のパラメータ及び前記第２のパラメータ毎に演算する第１の演算手段と、

前記第１の演算手段で演算された第１の尤度が最も高い前記第１の瞼形状モデルで、かつ目頭位置を第３のパラメータ及び目尻位置を第４のパラメータとした第２の瞼形状モデルにおいて、前記第３のパラメータ及び前記第４のパラメータを変更したときの前記第２の瞼形状モデルと前記画像に含まれる瞼の形状とが一致する度合いを示す第２の尤度を、前記第３のパラメータ及び前記第４のパラメータ毎に演算する第２の演算手段と、

前記第２の演算手段で演算された第２の尤度が最も高い前記第２の瞼形状モデルの第３のパラメータで示される位置を目頭の第２位置及び第４のパラメータで示される位置を目尻の第２位置として決定する位置決定手段と、

を含む顔特徴点検出装置。

[請求項2] 前記第２の演算手段は、前記位置検出手段によるパターンマッチングのマッチング度が予め定めた閾値より小さい場合に、前記画像に含まれる瞼の形状のうち前記第２の瞼形状モデルの上瞼位置及び下瞼位

置近傍の部分を用いて第２の尤度を演算する請求項１記載の顔特徴点検出装置。

[請求項3] 前記位置検出手段は、パターンマッチングのマッチング度が予め定めた閾値より小さい場合に、目頭の第１位置として複数の目頭候補点を検出し、目尻の第１位置として複数の目尻候補点を検出し、

前記第１の演算手段は、前記複数の目頭候補点から選択した１つの目頭候補点及び前記複数の目尻候補点から選択した１つの目尻候補点を端点とする第１の瞼形状モデルにおいて、目頭候補点と目尻候補点との組合せの全てについて前記第１の尤度を演算する

請求項１または請求項２記載の顔特徴点検出装置。

[請求項4] 前記第２の演算手段は、前記第２の瞼形状モデルの上瞼位置と下瞼位置との距離が予め定めた開度閾値より小さい場合には、前記第３のパラメータ及び前記第４のパラメータを予め定めた範囲内で変更する請求項１～請求項３のいずれか１項記載の顔特徴点検出装置。

[請求項5] 前記位置決定手段で今回決定された目頭の第２位置と目頭の第１位置との差、及び今回決定された目尻の第２位置と目尻の第１位置との差の少なくとも一方が予め定めた前回差閾値より大きい場合には、今回決定された目頭の第２位置及び目尻の第２位置を目頭の第１位置及び目尻の第１位置として置き換えて、再度目頭の第２位置及び目尻の第２位置を決定するように制御する制御手段を含む請求項１～請求項４のいずれか１項記載の顔特徴点検出装置。

[請求項6] コンピュータを、

目頭及び目尻を備えた目領域を含む画像の画像データを取得する取得手段と、

前記取得手段で取得した画像データから、パターンマッチングにより目頭の第１位置及び目尻の第１位置を検出する位置検出手段と、

前記位置検出手段で検出された目頭の第１位置及び目尻の第１位置を端点とする上側の曲線及び下側の曲線で表され、かつ前記上側の曲

線上に定めた上瞼位置を第１のパラメータ及び前記下側の曲線上に定めた下瞼位置を第２のパラメータとする第１の瞼形状モデルにおいて、前記第１のパラメータ及び前記第２のパラメータを変更したときの前記第１の瞼形状モデルと前記画像に含まれる瞼の形状とが一致する度合いを示す第１の尤度を、前記第１のパラメータ及び前記第２のパラメータ毎に演算する第１の演算手段と、

前記第１の演算手段で演算された第１の尤度が最も高い前記第１の瞼形状モデルで、かつ目頭位置を第３のパラメータ及び目尻位置を第４のパラメータとした第２の瞼形状モデルにおいて、前記第３のパラメータ及び前記第４のパラメータを変更したときの前記第２の瞼形状モデルと前記画像に含まれる瞼の形状とが一致する度合いを示す第２の尤度を、前記第３のパラメータ及び前記第４のパラメータ毎に演算する第２の演算手段と、

前記第２の演算手段で演算された第２の尤度が最も高い前記第２の瞼形状モデルの第３のパラメータで示される位置を目頭の第２位置及び第４のパラメータで示される位置を目尻の第２位置として決定する位置決定手段と、

して機能させるための顔特徴点検出プログラム。

[請求項7] コンピュータを、請求項１～請求項５のいずれか１項記載の顔特徴点検出装置を構成する各手段として機能させるための顔特徴点検出プログラム。

DECLARATION

I, Nana Ooko, a staff member of TAIYO, NAKAJIMA & KATO, 3-17, Shinjuku 4-chome, Shinjuku-ku, Tokyo 160-0022, Japan, do hereby declare that I am well acquainted with the English and Japanese languages and I hereby certify that, to the best of my knowledge and believe, claims 1-7 of the originally filed application (i.e., Application No. 13/259,065) is a true and correct translation of the patentable claims of PCT/JP2010/055454, that was filed on 26th March, 2010 in the name of AISIN SEIKI KABUSHIKI KAISHA and DENSO CORPORATION.

Dated this 29 date of November , 2011

Nana Oko

Nana Oko

CLAIMS

1. A face feature point detection device comprising:

acquiring means that acquires image data for an image including an eye region containing an eye inside corner and an eye outside corner;

position detection means that detects an eye inside corner first position and an eye outside corner first position by pattern matching in the image data acquired by the acquiring means;

first computation means that, in a first eyelid profile model expressing an upper curve and a lower curve, with end points at the eye inside corner first position and the eye outside corner first position detected by the position detection means, and having an upper eyelid position determined on the upper curve as a first parameter and a lower eyelid position determined on the lower curve as a second parameter, computes for each value of the first parameter and each value of the second parameter a first likelihood expressing the degree of matching between the first eyelid profile model while changing the first parameter and the second parameter and an eyelid profile included in the image;

second computation means that, in a second eyelid profile model of the first eyelid profile model having the highest first likelihood computed by the first computation means and having an eye inside corner position as a third parameter and an eye outside corner position as a fourth parameter, computes for each value of the third parameter and each value of the fourth parameter a second likelihood expressing the degree of matching between the second eyelid profile model while changing the third parameter and the fourth parameter and the eyelid profile included in the image; and

position determination means that determines the position expressed by the third parameter and the position expressed by the fourth parameter in the second eyelid profile model at the highest second likelihood computed by the second computation means as the positions of an eye inside corner second position and an eye outside corner second position, respectively.

2. The face feature point detection device of claim 1, wherein:

the second computation means computes the second likelihood by employing at least one of a portion in the vicinity of the upper eyelid position or the lower eyelid position of the second eyelid profile model out of the eyelid profiles included in the image when the degree of matching by pattern matching with the position detection means is less than a predetermined threshold value.

3. The face feature point detection device of claim 1 or claim 2, wherein:

the position detection means detects at least one of a plurality of eye inside corner candidate points as an eye inside corner first position or a plurality of eye outside corner candidate points as an eye outside corner first position when the degree of matching by pattern matching is less than a predetermined threshold value; and

the first computation means computes the first likelihood for all combinations of the eye inside corner candidate points and the eye outside corner candidate points in a first eyelid profile model having as end points a single eye inside corner candidate point selected from the plurality of eye inside corner candidate points and a single eye outside corner candidate point selected from the plurality of eye outside corner candidate points.

4. The face feature point detection device of any one of claim 1 to claim 3, wherein the second computation means changes the third parameter and the fourth parameter within a predetermined range when the separation distance between the upper eyelid position and the lower eyelid position in the second eyelid profile model is smaller than a predetermined openness threshold value.

5. The face feature point detection device of any one of claim 1 to claim 4 further comprising control means that, when at least one of a difference between the eye inside corner second position determined the current time by the position determination means and the eye inside corner first position, or the difference between the eye outside corner second position determined the current time by the position determination means and the eye outside corner first position is greater than a difference threshold value predetermined the previous time, controls so as to use at least one of the eye inside corner second position, the eye outside corner second position determined the current time to replace the eye inside corner first position, or the eye outside corner first position, and then controls to re-determine an eye inside corner second position and an eye outside corner second position.

6. A face feature point detection program causing a computer to function as:

acquiring means that acquires image data for an image including an eye region containing an eye inside corner and an eye outside corner;

position detection means that detects an eye inside corner first position and an eye outside corner first position by pattern matching in the image data acquired by the acquiring means;

first computation means that, in a first eyelid profile model expressing an upper curve and a lower curve, with end points at the eye inside corner first position and the eye outside corner first position detected by the position detection means, and having an upper eyelid position determined on the upper curve as a first parameter and a lower eyelid position determined on the lower curve as a second parameter, computes for each value of the first parameter and each value of the second parameter a first likelihood expressing the degree of matching between the first eyelid profile model while changing the first parameter and the second parameter and an eyelid profile included in the image;

second computation means that, in a second eyelid profile model of the first eyelid profile model having the highest first likelihood computed by the first computation means and having an eye inside corner position as a third parameter and an eye outside corner position as a fourth parameter, computes for each value of the third parameter and each value of the fourth parameter a second likelihood expressing the degree of matching between the second eyelid profile model while changing the third parameter and the fourth parameter and the eyelid profile included in the image; and

position determination means that determines the position expressed by the third parameter and the position expressed by the fourth parameter in the second eyelid profile model at the highest second likelihood computed by the second computation means as the positions of an eye inside corner second position and an eye outside corner second position, respectively.

7. A face feature point detection program causing a computer to function as each of the means configuring the face feature point detection device of any one of claim 1 to claim 5.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Nakanishi et al.	: PARTICIPATE IN THE PATENT
Application No. 13/259,065	: PROSECUTION HIGHWAY
Filed: September 22, 2011	: PROGRAM AND PETITION
Attorney Docket No. Q126796	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed on January 12, 2012 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Takaaki Sasaki		
Title of the Invention:	ANTI-VIBRATION TOOL HOLDER		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/070184

The international date of the corresponding PCT application(s) is/are: 01 December 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Takaaki Sasaki

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 substantially corresponding to PCT claim 1.
3	3	US claim 3 substantially corresponding to PCT claim 3.
4	4	US claim 4 substantially corresponding to PCT claim 4.
5	5	US claim 5 substantially corresponding to PCT claim 5.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 09/22/2011
Name (Print/Typed) Douglas J. Christensen	Registration Number 35480

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/259,184	Filing date:	September 23, 2011
First Named Inventor:	Bardo SCHMITT		
Title of the Invention:	POLYFUNCTIONAL (METH)ACRYLIC POLYMER, COATING COMPOSITION, PROCESS FOR PRODUCING A COATING AND COATED ARTICLE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/052672

The international filing date of the corresponding PCT application(s) is/are: PCT/EP2010/052672 filing date: March 3, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[x] Is attached **See Appendix A**

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[x] Is attached. **See Appendix B**

[ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

See Appendix C (Statement & English Translation of b.)

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/259,184
First Named Inventor:	Bardo SCHMITT

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		See Appendix D

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 11/7/2011
Name (Print/Typed) Beau B. Burton, Ph.D.	Registration Number 65,353

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

APPENDIX A

Copy of the PCT/ISA/237 Form in
the corresponding PCT application
&
English Translation of Copy of the PCT/ISA/237 Form
in the corresponding PCT application obtained from
WIPO

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 2008P00375WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2010/052672	International filing date *(day/month/year)* 03 March 2010 (03.03.2010)	Priority date *(day/month/year)* 30 March 2009 (30.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK RÖHM GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 04 October 2011 (04.10.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnès Wittmann-Regis e-mail: pt06.pct@wipo.int

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)*	siehe Formular PCT/ISA/210 (Blatt 2)
Aktenzeichen des Anmelders oder Anwalts siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2010/052672	03.03.2010	30.03.2009

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. C08F220/18 C08F220/28 C08F212/06 C09D133/06 C09D135/06 C09D133/14 C09D175/04
ADD. C08F220/10 C08F220/52

Anmelder
EVONIK RÖHM GMBH

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I — Grundlage des Bescheids
- ☐ Feld Nr. II — Priorität
- ☐ Feld Nr. III — Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV — Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V — Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI — Bestimmte angeführte Unterlagen
- ☒ Feld Nr. VII — Bestimmte Mängel der internationalen Anmeldung
- ☒ Feld Nr. VIII — Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der *Internationalen Recherchenbehörde*	Datum der Fertigstellung *dieses Bescheids*	Bevollmächtigter Bediensteter
Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	siehe Formular PCT/ISA/210	Miao, Kathryn Tel. +49 89 2399-8584

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2010/052672

Feld Nr. I Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde, ist der Bescheid auf der Grundlage eines Sequenzprotokolls erstellt worden, das

   a. (Form)

   ☐ in Papierform

   ☐ in elektronischer Form

   b. (Zeitpunkt)

   ☐ in der eingereichten internationalen Anmeldung

   ☐ zusammen mit der internationalen Anmeldung in elektronischer Form

   ☐ bei der Behörde nachträglich für die Zwecke der Recherche

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche 1-18
	Nein:	Ansprüche
Erfinderische Tätigkeit	Ja:	Ansprüche 1-18
	Nein:	Ansprüche
Gewerbliche Anwendbarkeit	Ja:	Ansprüche: 1-18
	Nein:	Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung

Es wurde festgestellt, dass die internationale Anmeldung nach Form oder Inhalt folgende Mängel aufweist:

siehe Beiblatt

Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung

Zur Klarheit der Patentansprüche, der Beschreibung und der Zeichnungen oder zu der Frage, ob die Ansprüche in vollem Umfang durch die Beschreibung gestützt werden, ist folgendes zu bemerken:

siehe Beiblatt

Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

Es wird auf die folgenden Dokumente verwiesen:

D1 EP 1 211 267 A1 (DU PONT [US]) 5. Juni 2002 (2002-06-05)

D2 DE 30 27 308 A1 (DU PONT) 12. Februar 1981 (1981-02-12) in der Anmeldung erwähnt

1. Weder D1 noch D2 beschreibt ein multifunktionales (Meth)acrylat-Polymer zur Herstellung einer Beschichtungszusammensetzung wie im Anspruch 1 erwähnt wird, ein Verfahren zur Herstellung einer Beschichtung wie im Anspruch 16 erwähnt wird und ein beschichteter Gegenstand wie im Anspruch 18 erwähnt wird.

2. Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit sind deshalb gegeben.

Zu Punkt VII

Bestimmte Mängel in der internationalen Anmeldung

Entgegen den Erfordernissen der Regel 5.1 a) ii) PCT werden in der Beschreibung weder der in D1 offenbarte einschlägige Stand der Technik noch das Dokument selbst angegeben.

Zu Punkt VIII

Bestimmte Bemerkungen zur internationalen Anmeldung

1. Das Merkmal "...multifunktionales..." (siehe Seite 1, Zeile 5 und Seite 3, Zeile 17 der Beschreibung) scheint erforderlich zu sein und daher sollte es im Anspruch 1 aufgenommen werden.

2. Die Bestimmungsmethode des Gewichtsmittels des Molekulargewichts (siehe Seite 25, 1. Absatz) sollte auch im Anspruch 1 aufgenommen werden.

2.1. Beispiel 1 offenbart nicht dieses Merkmal.

3. Ansprüche 2-18 sind nicht klar in der Beschreibung gestützt.

4. Weitere abhängige Ansprüche sollten für bevorzugte (vorzugsweise) Ausführungsformen (siehe Anspruch 3) abgefasst werden.

5. Warenzeichen sollten als solche gekennzeichnet werden.

6. Wörter wie "...verbessern..." und "...etwa..." sowie Terminologie wie "...ca...." sollten vermieden werden.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 2008P00375WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2010/052672	International filing date *(day/month/year)* 03 March 2010 (03.03.2010)	Priority date *(day/month/year)* 30 March 2009 (30.03.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK RÖHM GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 01 November 2011 (01.11.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnès Wittmann-Regis e-mail: pt06.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	see form PCT/ISA/210
Applicant's or agent's file reference 2008P00375WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2010/052672	03.03.2010	30.03.2009

International Patent Classification (IPC) or both national classification and IPC
C08F220/18, C08F220/28, C08F212/06, C09D133/06, C09D135/06, C09D133/14, C09D175/04, C08F220/10, C08F220/52

Applicant
EVONIK RÖHM GMBH

1. This opinion contains indications relating to the following items:

☒	Box No. I	Basis of the opinion
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2010/052672

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2010/052672

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: EP 1 211 267 A1 (DU PONT [US]) 5 June 2002 (2002-06-05)

D2: DE 30 27 308 A1 (DU PONT) 12 February 1981 (1981-02-12) cited in the application

1. Neither D1 nor D2 describes a multifunctional (meth)acrylate polymer for the production of a coating composition such as that mentioned in claim 1, a method for the production of a coating as described in claim 16, or a coated subject matter as mentioned in claim 18.

2. Novelty, inventive step and industrial applicability are therefore established.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2010/052672

Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Contrary to the requirements of PCT Rule 5.1 (a)(ii), neither the relevant prior art disclosed in D1 nor the document itself is indicated in the description.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2010/052672

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The feature "… multifunctional…" ("multifunktionales") (see page 1, line 5 and page 3, line 17 of the description) appears to be a requirement and should therefore be included in claim 1.

2. The method for determining the weight-average molecular weight (see page 25, 1st paragraph) should also be included in claim 1.

2.1. Example 1 does not disclose this feature.

3. Claims 2-18 are not clearly supported in the description.

4. Further dependent claims should be drafted for preferred (preferable) embodiments (see claim 3).

5. Trademarks should be identified as such.

6. Words such as "… improve…" and "… about…" and terminology such as "… approximately..." ... should be avoided.

APPENDIX B

Copy of Claims indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

200800375

Patentansprüche

1. (Meth)acrylat-Polymer zur Herstellung einer Beschichtungszusammensetzung, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer
0,5 bis 20 Gew.-% Einheiten, die von (Meth)acryl-Monomeren abgeleitet sind, die im Alkylrest mindestens eine Doppelbindung und 8 bis 40 Kohlenstoffatome aufweisen,
0,1 bis 60 Gew.-% Einheiten, die von Hydroxygruppen-haltigen Monomeren, die bis zu 9 Kohlenstoffatome aufweisen, abgeleitet sind,
0,1 bis 95 Gew.-% Einheiten, die von (Meth)acrylaten mit 1 bis 12 Kohlenstoffatomen im Alkylrest abgeleitet sind, und
0,1 bis 60 Gew.-% Einheiten, die von Styrolmonomeren abgeleitet sind, jeweils bezogen auf das Gewicht des (Meth)acrylat-Polymers,
umfasst, und das (Meth)acrylat-Polymer ein Gewichtsmittel des Molekulargewichts im Bereich von 2000 bis 60000 g/mol aufweist.

2. (Meth)acrylat-Polymer gemäß Anspruch 1, dadurch gekennzeichnet, dass das Gewichtsverhältnis von Einheiten, die von Hydroxygruppen-haltigen Monomeren abgeleitet sind, zu den Einheiten, die von (Meth)acryl-Monomeren abgeleitet sind, die im Alkylrest mindestens eine Doppelbindung und 8 bis 40 Kohlenstoffatome aufweisen, größer als 1 ist.

3. (Meth)acrylat-Polymer gemäß Anspruch 1 oder 2, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer Einheiten aufweist, die von (Meth)acrylaten mit einer Hydroxygruppe im Alkylrest abgeleitet sind, votzugsweise von 2-Hydroxyethyl(meth)acrylat, 2-Hydroxypropyl(meth)acrylat und/oder 3-Hydroxypropyl(meth)acrylat.

4 (Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass (Meth)acrylat-Polymer

5 bis 40 Gew.-% Einheiten umfasst, die von Cycloalkyl(meth)acrylaten abgeleitet sind.

5. Meth)acrylat-Polymer gemäß Anspruch 4 dadurch gekennzeichnet, dass (Meth)acrylat-Polymer
Einheiten umfasst, die von Cyclohexylmethacrylat und/oder Isobornylmethacrylat abgeleitet sind.

6. Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass (Meth)acrylat-Polymer eine Glasübergangstemperatur im Bereich von 20 bis 90 °C aufweist.

7. Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer ein Gewichtsmittel des Molekulargewichts im Bereich von 4000 g/mol bis 40000 g/mol aufweist.

8. Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer einen Polydispersitätsindex M_w/M_n im Bereich von 1 bis 5 aufweist.

9. Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer eine Iodzahl im Bereich von 5 bis 100 g Iod pro 100 g Polymer aufweist.

10. Meth)acrylat-Polymer gemäß einem der vorhergehenden Ansprüche, dadurch gekennzeichnet, dass das (Meth)acrylat-Polymer eine Hydroxyzahl im Bereich von 3 bis 300 mg KOH/g aufweist.

11. Beschichtungszusammensetzung, dadurch gekennzeichnet, dass das Beschichtungszusammensetzung 40 bis 80 Gew.-% mindestens eines Polymers gemäß den Ansprüchen 1 bis 10 aufweist.

12. Beschichtungszusammensetzung gemäß Anspruch 11, dadurch gekennzeichnet, dass das der Feststoffgehalt mindestens 50 Gew.-% beträgt.

13. Beschichtungszusammensetzung gemäß Anspruch 11 oder 12, dadurch gekennzeichnet, dass die Beschichtungszusammensetzung mindestens ein Vernetzungsmittel umfasst.

14. Beschichtungszusammensetzung gemäß Anspruch 13, dadurch gekennzeichnet, dass das Vernetzungsmittel ein Polyisocyanat umfasst oder freisetzt.

15. Beschichtungszusammensetzung gemäß Anspruch 13 oder 14, dadurch gekennzeichnet, dass die Beschichtungszusammensetzung 0,5 bis 10 Gew.-% Vernetzungsmittel umfasst.

16. Verfahren zur Herstellung einer Beschichtung, dadurch gekennzeichnet, dass eine Beschichtungszusammensetzung gemäß Anspruch 14 oder 15 auf ein Substrat aufgebracht und gehärtet wird.

17. Verfahren gemäß Anspruch 16, dadurch gekennzeichnet, dass das Substrat aus Metall ist.

18. Beschichteter Gegenstand, erhältlich durch ein Verfahren gemäß Anspruch 16 oder 17.

APPENDIX C

English-language translation of Copy of Claims indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application including Certificate of Translation

CERTIFICATE OF TRANSLATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Andrew Harvey David SUMPTER BSc,

translator to RWS Group Ltd, of Europa House, Chiltern Park, Chiltern Hill, Chalfont St Peter, Buckinghamshire, United Kingdom, hereby state:

(1) that I know well both the German and English languages;

(2) that I translated the attached document identified as corresponding to International Application No. PCT/EP2010/052672 filed in Germany on March 3, 2010 from German to English;

(3) that the attached English translation is a true and correct translation of the original claims of International Application No. PCT/EP2010/052672, to the best of my knowledge and belief; and

(4) that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 7th day of November 2011

By: Andrew Harvey David SUMPTER
For and on behalf of RWS Group Ltd

Claims

1. (Meth)acrylate polymer for preparing a coating composition, characterized in that the (meth)acrylate polymer comprises
0.5% to 20% by weight of units derived from (meth)acrylic monomers which in the alkyl radical have at least one double bond and 8 to 40 carbon atoms,
0.1% to 60% by weight of units derived from hydroxyl-containing monomers which have up to 9 carbon atoms,
0.1% to 95% by weight of units derived from (meth)acrylates having 1 to 12 carbon atoms in the alkyl radical, and
0.1% to 60% by weight of units derived from styrene monomers, based in each case on the weight of the (meth)acrylate polymer,
and the (meth)acrylate polymer has a weight-average molecular weight in the range from 2000 to 60 000 g/mol.

2. (Meth)acrylate polymer according to Claim 1, characterized in that the weight ratio of units derived from hydroxyl-containing monomers to the units derived from (meth)acrylic monomers which in the alkyl radical have at least one double bond and 8 to 40 carbon atoms is greater than 1.

3. (Meth)acrylate polymer according to Claim 1 or 2, characterized in that the (meth)acrylate polymer has units derived from (meth)acrylates having a hydroxyl group in the alkyl radical, preferably from 2-hydroxyethyl (meth)acrylate, 2-hydroxypropyl (meth)acrylate and/or 3-hydroxypropyl (meth)acrylate.

4. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer comprises 5% to 40% by weight of units derived from cycloalkyl (meth)acrylates.

5. (Meth)acrylate polymer according to Claim 4, characterized in that the (meth)acrylate polymer comprises units derived from cyclohexyl methacrylate and/or isobornyl methacrylate.

6. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer has a glass transition temperature in the range from 20 to 90°C.

7. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer has a weight-average molecular weight in the range from 4000 g/mol to 40 000 g/mol.

8. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer has a polydispersity index, M_w/M_n, in the range from 1 to 5.

9. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer has an iodine number in the range from 5 to 100 g of iodine per 100 g of polymer.

10. (Meth)acrylate polymer according to any of the preceding claims, characterized in that the (meth)acrylate polymer has a hydroxyl number in the range from 3 to 300 mg KOH/g.

11. Coating composition characterized in that the coating composition has 40% to 80% by weight of at least one polymer according to Claims 1 to 10.

12. Coating composition according to Claim 11, characterized in that the solids content is at least 50% by weight.

13. Coating composition according to Claim 11 or 12, characterized in that the coating composition comprises at least one crosslinking agent.

14. Coating composition according to Claim 13, characterized in that the crosslinking agent comprises or releases a polyisocyanate.

15. Coating composition according to Claim 13 or 14, characterized in that the coating composition comprises 0.5% to 10% by weight of crosslinking agent(s).

16. Method of producing a coating, characterized in that a coating composition according to Claim 14 or 15 is applied to a substrate and cured.

17. Method according to Claim 16, characterized in that the substrate is of metal.

18. Coated article obtainable by a method according to Claim 16 or 17.

APPENDIX D

Claims Correspondence Table

Request for Participation in the Patent Prosecution Highway Program
Claims Correspondence Table
U.S. Patent Application No. 13/259,184
Attorney Docket No. 384811US

CLAIMS CORRESPONDENCE TABLE

Claims in US 13/259,184	Claims in allowed PCT application (PCT/EP2010/052672)	Explanation regarding correspondence
1	1	Claim 1 of the US application sufficiently corresponds to claim 1 of the PCT application.
2	2	Claim 2 of the US application sufficiently corresponds to claim 2 of the PCT application.
3	3	Claim 3 of the US application sufficiently corresponds to claim 3 of the PCT application.
4	4	Claim 4 of the US application sufficiently corresponds to claim 4 of the PCT application.
5	5	Claim 5 of the US application sufficiently corresponds to claim 5 of the PCT application.
6	6	Claim 6 of the US application sufficiently corresponds to claim 6 of the PCT application.
7	7	Claim 7 of the US application sufficiently corresponds to claim 7 of the PCT application.
8	8	Claim 8 of the US application sufficiently corresponds to claim 8 of the PCT application.
9	9	Claim 9 of the US application sufficiently corresponds to claim 9 of the PCT application.
10	10	Claim 10 of the US application sufficiently corresponds to claim 10 of the PCT application.
11	11	Claim 11 of the US application sufficiently corresponds to claim 11 of the PCT application.
12	12	Claim 12 of the US application sufficiently corresponds to claim 12 of the PCT application.
13	13	Claim 13 of the US application sufficiently corresponds to claim 13 of the PCT application.
14	14	Claim 14 of the US application sufficiently corresponds to claim 14 of the PCT application.
15	15	Claim 15 of the US application sufficiently corresponds to claim 15 of the PCT application.
16	16	Claim 16 of the US application sufficiently corresponds to claim 16 of the PCT application.

Request for Participation in the Patent Prosecution Highway Program
Claims Correspondence Table
U.S. Patent Application No. 13/259,184
Attorney Docket No. 384811US

17	17	Claim 17 of the US application sufficiently corresponds to claim 17 of the PCT application.
18	18	Claim 18 of the US application sufficiently corresponds to claim 18 of the PCT application.
19	19	Claim 19 of the US application sufficiently corresponds to claim 3 of the PCT application.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JAN 18 2012

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of : DECISION ON REQUEST TO
Bardo SCHMITT et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/259,184 : AND PETITION TO MAKE SPECIAL
Filed: September 23,2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 384811US99PCT :
For: POLYFUNCTIONAL (METH)ACRYLIC POLYMER, COATING COMPOSITION, PROCESS FOR PRODUCING A COATING AND COATED ARTICLE

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed November 14, 2011, to make the above-identified application special.

The request is **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 1762 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	(not yet assigned)	Filing date:	(not yet assigned)
First Named Inventor:	HAMADA		
Title of the Invention:	ALIGNMENT METHOD AND METHOD FOR MANUFACTURING FLAT PANEL DISPLAY		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2011/001132

The international date of the corresponding PCT application(s) is/are: February 28, 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	(not yet assigned)
First Named Inventor:	HAMADA

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same
2	2	same
3	3	same
4	4	amended for eliminating multiple dependencies
5	5	same
6	4	new claim corresponds to claim4

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Kerry S. Culpepper Reg. # 45,672/	Date	September 23, 2011
Name (Print/Typed)	Kerry S. Culpepper	Registration Number	45,672

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Modified PTO/SB/20PCT-JP (01-2010)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/259,260	Filing Date:	September 23, 2011
First Named Inventor:	Ryoichi IMANAKA et al.	Attorney Docket No.:	2011_1450A
Title of the Invention:	RESECTION SIMULATION APPARATUS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2011/001699

The international date of the corresponding PCT application(s) is/are: March 23, 2011

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

[ ] is attached.
[X] Has already been filed in the above-identified U.S. application on September 23, 2011.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on September 23, 2011.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.

Modified PTO/SB/20PCT-JP (01-2010)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/259,260
First Named Inventor:	Ryoichi IMANAKA et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	US Claim 1 includes all the limitations of PCT claim 1 and patentable PCT dependent claim 2.
3	3	US Claim 3 includes the limitations of PCT dependent claim 3 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
4	4	US Claim 4 includes the limitations of PCT dependent claim 4 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
5	5	US Claim 5 includes the limitations of PCT dependent claim 5 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
6	6	US Claim 6 includes the limitations of PCT dependent claim 6 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
7	7	US Claim 7 includes the limitations of PCT dependent claim 7 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
8	8	US Claim 8 includes the limitations of PCT dependent claim 8 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2
9	9	US Claim 9 includes the limitations of PCT dependent claim 9 and depends on US claim 1 as amended to include the limitations of patentable PCT dependent claim 2

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Jeffrey R. Filipek/ 2011.09.26 12:31:29 -04'00'	Date: September 26, 2011
Name: (Print/Type)	Jeffrey R. Filipek	Registration No. 41,471

b

Statement of Translation

I hereby declare and state:

that I am thoroughly conversant in both the Japanese language and the English language;

that I am capable of performing translation from the Japanese language into English language; and

that the attached document represents a true and complete English translation of the latest international work product (WO/ISA) in the PCT Application No. PCT/JP2011/001699.

Signed this 15th day of September, 2011.

M. Motoyama

Masafumi MOTOYAMA

b

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SHINJYU GLOBAL IP
South Forest Bldg., 1-4-19,
Minamimori-machi, Kita-ku,
Osaka-shi, Osaka
5300054

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	April 19, 2011 (19.04.2011)
Applicant's or agent's file reference P609539P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2011/01699	March 23, 2011 (23.03.2011)	March 24, 2010 (24.03.2010)

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. G06T15/08(2011.01)i, A61B5/055(2006.01)i, A61B6/03(2006.01)i, A61B19/00(2006.01)i, G06T1/00(2006.01)i, G09B9/00(2006.01)i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- [✓] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [✓] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japan Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 1008915 Facsimile No.	April 11, 2011 (11.04.2011)	Kazuyuki ICHIJI 03-3581-1101 extension 3531 Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2011/001699

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
   - [✓] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. [ ] This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)
   - [ ] on paper
   - [ ] in electronic form

   b. (time)
   - [ ] in the international application as filed
   - [ ] together with the international application in electronic form
   - [ ] subsequently to this Authority for the purposes of search

4. [ ] In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2011/01699

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	2-9	YES
	Claims	1	NO
Inventive step (IS)	Claims	2	YES
	Claims	1, 3-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 1-291391 A (Toshiba Corp.), November 22, 1989,
Page 1, the lower right column, lines 12 to 15; Page 3, the lower left column, lines 13 to 19; Page 4, the upper left column, line 8 to the right upper column, line 15; Page 5, the upper right column, line 20 to the lower left column, line 3 (Family: none)

Document 2: JP 5-108840 A (Toshiba Corp.), April 30, 1993,
Par. Nos. [0002] to [0003] (Family: none)

Document 3: JP 2004-215701 A (Aloka Co., Ltd.), August 5, 2004,
Par. Nos. [0001] and [0052] (Family: none)

Document 4: JP 2-54381 A (Toshiba Corp.), February 23, 1990,
Page 2, the right upper column, line 14 to the left lower column, line 11; Page 5, the right upper column, lines 3 to 6; Page 5, the right lower column, lines 6 to 11; Fig. 11 (Family: none)

Document 5: JP 64-37678 A (Toshiba Corp.), February 8, 1989,
Full text; All drawings (Family: none)

Document 6: JP 3-219377 A (Toshiba Corp.), September 26, 1991,
Full text; All drawings (Family: none)

The invention pertaining to Claim 1 lacks novelty and inventive step because of Patent Literature 1 cited in the International Search Report. On lines 12-15 in the lower-right section of page 1, lines 13-19 in the lower-left section of page 3, from line 8 in the upper-left section to line 15 in the upper-right section of page 4, and from line 20 in the upper-right section to line 3 in the lower-left section of page 5, technology is described that relates to a three-dimensional image processing device that processes three-dimensional image data of the voxel structure of a human head, for example, in which a distance image is produced for every viewing plane by distance measurement from the viewing plane to the surface of a cranial image (by ray tracking, for example), and when said distance images are displayed with black and white shading, only ROI drawing information is displayed in red, in image cut processing, cut processing is performed on the three-dimensional region defined by the ROI, and the drawing of this ROI is performed by movement of the cursor over the distance images. The invention pertaining to Claim 1 is a part of the above constitution.

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of: Box No. V. 2.

Claim 2

Actually, halting resection when there is a proportional change over a specific threshold in the depth information detected by a depth detector in order to prevent the display of a state in which adjacent display objects having a difference in the depth direction have been accidentally cut, and to thereby allow a good surgical simulation to be carried out, is not discussed in any of the publications cited in the International Search Report, and it would not be obvious to a person skilled in the art.

In paragraphs 0002 and 0003 of Patent Literature 2, technology is discussed that relates to a method for producing a three-dimensional image from images taken by an X-ray CT apparatus or the like, in which clusters of binary data for each slice image as a single three-dimensional object are used as voxel data, a vertical line is drawn from a two-dimensional projection plane on the outside to the above-mentioned three-dimensional object, and the distance is measured by ascertaining whether bits for the voxels are on this vertical line (that is, if there are voxel labels).
In paragraphs 0001 and 0052 of Patent Literature 3, technology is discussed that relates to an apparatus that forms a three-dimensional image by using volume rendering, in which volume rendering computation is performed after setting color and brightness values for each voxel.
The inventions pertaining to Claims 3, 4, and 8 have no inventive step because of Patent Literature 2 and 3 cited in the International Search Report. It would be easy for a person skilled in the art to apply the technology discussed in Patent Literature 2 and 3 to the three-dimensional image processing device discussed in Patent Literature 1.

The inventions pertaining to Claims 7 and 9 have no inventive step because of Patent Literature 1 and 2. It would be easy for a person skilled in the art to apply the technology discussed in Patent Literature 2 to the three-dimensional image processing device discussed in Patent Literature 1.

From line 14 in the upper-right section to line 11 in the lower-left section of page 2, on lines 3-6 in the upper-right section of page 5, on lines 6-11 in the lower-right section of page 5, and in FIG. 11, technology is discussed that relates to an image processing device that produces a surface image of an object or an image of any cross section by using three-dimensional image information obtained from a plurality of tomographic images, in which, when a head is cut, for example, in order to obtain information about how deep to cut and in which direction from which position in order to perform the surgery most efficiently, a point P is used that is the intersection of three planes, namely, the coronal plane, the sagittal plane, and the axial plane, and the value for the depth from the surface in the line of sight direction to the above-mentioned point P is displayed. The inventions pertaining to Claims 5 and 6 lack inventive step because of Patent Literature 1, and Patent Literature 4 cited in the International Search Report. It would be easy for a person skilled in the art to apply the technology discussed in Patent Literature 4 to the three-dimensional image processing device discussed in Patent Literature 1.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
新樹グローバル・アイピー特許業務法人
様

あて名
〒530-0054
日本国大阪府大阪市北区南森町１丁目４番１９号
サウスホレストビル

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 （日.月.年）	１９．０４．２０１１
出願人又は代理人 の書類記号　P609539P0	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2011／001699	（日.月.年）　２３．０３．２０１１	（日.月.年）　２４．０３．２０１０

国際特許分類（IPC）Int.Cl. G06T15/08(2011.01)i, A61B5/055(2006.01)i, A61B6/03(2006.01)i, A61B19/00(2006.01)i, G06T1/00(2006.01)i, G09B9/00(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。
- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

３．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
１１．０４．２０１１

名称及びあて先 日本国特許庁（ISA／JP） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　5H　9291 伊知地　和之 電話番号　０３－３５８１－１１０１　内線　３５３１

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１１／００１６９９

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

２．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

３．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

ａ．提出手段　☐ 紙形式

☐ 電子形式

ｂ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

４．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

５．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2011／001699

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	2 － 9	有
	請求項	1	無
進歩性（IS）	請求項	2	有
	請求項	1，3－9	無
産業上の利用可能性（IA）	請求項	1 － 9	有
	請求項		無

2. 文献及び説明

文献1：JP 1-291391 A（株式会社東芝）1989.11.22，1頁右下欄12～15行，3頁左下欄13～19行，4頁左上欄8行～右上欄15行，5頁右上欄20行～左下欄3行（ファミリーなし）

文献2：JP 5-108840 A（株式会社東芝）1993.04.30，段落【0002】～【0003】（ファミリーなし）

文献3：JP 2004-215701 A（アロカ株式会社）2004.08.05，段落【0001】，【0052】（ファミリーなし）

文献4：JP 2-54381 A（株式会社東芝）1990.02.23，2頁右上欄14行～左下欄11行，5頁右上欄3～6行，5頁右下欄6～11行，第11図（ファミリーなし）

文献5：JP 64-37678 A（株式会社東芝）1989.02.08，全文，全図（ファミリーなし）

文献6：JP 3-219377 A（株式会社東芝）1991.09.26，全文，全図（ファミリーなし）

請求項1に係る発明は、国際調査報告で引用された文献1により、新規性、進歩性を有しない。文献1の1頁右下欄12～15行，3頁左下欄13～19行，4頁左上欄8行～右上欄15行，5頁右上欄20行～左下欄3行には、例えば人体頭部のボクセル構造の三次元画像データの処理を行う三次元画像処理装置に関し、視平面から頭蓋像の表面までの距離計測（例えば光線追跡法による）により、各視平面毎に距離画像を作成し、該距離画像を白黒の濃淡で表示する場合、ROI描写情報のみ赤色で表示し、画像切削処理において、前記ROIによって特定される三次元領域の切削処理を施し、前記ROIの描写を、前記距離画像上でのカーソルの移動により行う技術が記載されており、請求項1に係る発明は、上記構成の一部をなすものである。

補充欄

いずれかの欄の大きさが足りない場合

第 V. 2. 欄の続き

請求項２
実際には深さ方向における位置に差が存在する互いに隣接する表示対象物が不用意に切削された状態で表示されることを防止して、適切な手術シミュレーションを行えるようにするために、深さ検出部において検出された深さ情報が所定の閾値以上の変化率となった場合に切削を中止することは、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

文献２の段落【0002】～【0003】には、Ｘ線ＣＴ装置等の画像から３次元画像を作成する方法に関し、各スライス画像の二値化データを１つの立方体としたかたまりをボクセルデータとし、外部の２次元投影面から前記立方体に垂線を引き、この垂線上の各ボクセルのビットの有無（すなわちボクセルラベル）を知ることで距離を計測する技術が記載されている。
文献３の段落【0001】,【0052】には、ボリュームレンダリングを用いて三次元画像を構成する装置に関し、各ボクセルの色および輝度値を設定した上でボリュームレンダリング演算を行う技術が記載されている。
請求項 3,4,8 に係る発明は、文献１と、国際調査報告で引用された文献２と、文献３とにより、進歩性を有しない。文献１に記載された三次元画像処理装置に、文献２および文献３に記載された各技術を適用することは、当業者にとって容易である。

請求項 7,9 に係る発明は、文献１と、文献２とにより、進歩性を有しない。文献１に記載された三次元画像処理装置に、文献２に記載された技術を適用することは、当業者にとって容易である。

文献４の２頁右上欄 14 行～左下欄 11 行，５頁右上欄 3～6 行，５頁右下欄 6～11 行，第 11 図には、複数の断層像から得られる３次元的な画像情報を用いて任意の断面の画像や物体の表面像を作成する画像処理装置に関し、例えば頭部を切削する際、どの位置からどの方向にどれくらいの深さで切削すれば最も効率よく手術を行えるか、という情報を得るために、コロナル面、サジタル面、アキシャル面の３面が交わるを点Ｐとし、視線方向の表面から前記点Ｐまでの深さの値を表示する技術が記載されている。
請求項 5,6 に係る発明は、文献１と、国際調査報告で引用された文献４とにより、進歩性を有しない。文献１に記載された三次元画像処理装置に、文献４に記載された技術を適用することは、当業者にとって容易である。

9

Statement of Translation

I hereby declare and state:

that I am thoroughly conversant in both the Japanese language and the English language;

that I am capable of performing translation from the Japanese language into English language; and

that the attached document represents a true and complete English translation of all claims which were indicated as having novelty, inventive and industrial applicability in the PCT Application No. PCT/JP2011/001699 .

Signed this 15th day of September, 2011.

M. Motoyama

Masafumi MOTOYAMA

6

CLAIMS

1. A resection simulation apparatus, comprising:

a tomographic image information acquisition section configured to acquire tomographic image information;

a memory that is connected to the tomographic image information acquisition section and stores voxel information for the tomographic image information;

a volume rendering computer that is connected to the memory and samples voxel information in a direction perpendicular to the sight line on the basis of the voxel information;

a display configured to display the computation result of the volume rendering computer;

an input section configured to input resection instructions with respect to a display object that is displayed on the display; and

a depth detector configured to measure the ray casting scan distance for all points found during the movement of the input section over points designated for resection by the input section.

2. The resection simulation apparatus according to Claim 1,

wherein the volume rendering computer halts resection when the depth information detected by the depth detector has a rate of change of at least a specific threshold.

3. The resection simulation apparatus according to Claim 1 or 2,

wherein brightness information, color information, X, Y, and Z information, and a plurality of voxel labels corresponding to the plurality of voxel information are supplied to

the volume rendering computer.

4. The resection simulation apparatus according to Claim 3,

wherein the volume rendering computer changes the brightness information and/or color information for the portion of the display object in the voxel label designated for resection by the input section.

5. The resection simulation apparatus according to any of Claims 1 to 4,

wherein the display shows a resection amount designated by the input section.

6. The resection simulation apparatus according to any of Claims 1 to 4,

wherein the display shows a resection depth designated by the input section.

7. The resection simulation apparatus according to any of Claims 1 to 6,

wherein the memory has a voxel information storage section configured to store voxel information inputted via the tomographic image information acquisition section, and a voxel label storage section configured to store the voxel label resected by the volume rendering computer.

8. The resection simulation apparatus according to Claim 7,

wherein the memory further has a color information storage section configured to store color information for each voxel label.

9. The resection simulation apparatus according to Claim 7 or 8,

wherein the volume rendering computer displays on the display the voxel information stored in the voxel information storage section, and

further comprising a color information setting section configured to change the color information of the portion designated for resection by the input section in the display object

displayed on the display.

【書類名】請求の範囲
【請求項１】
断層画像情報を取得する断層画像情報取得部と、
前記断層画像情報取得部に接続されており、前記断層画像情報のボクセル情報を格納するメモリと、
前記メモリに接続されており、前記ボクセル情報に基づいて、視線に対して垂直の方向においてボクセル情報をサンプリングするボリュームレンダリング演算部と、
前記ボリュームレンダリング演算部の演算結果を表示するディスプレイと、
前記ディスプレイに表示された表示対象物に対する切削指示を入力する入力部と、
前記入力部によって切削指示された点の前記入力部の移動中に求められた全ての点について、それぞれのレイキャスティング走査距離を測定する深さ検出部と、
を備えた切削シミュレーション装置。
【請求項２】
前記ボリュームレンダリング演算部は、前記深さ検出部において検出された深さ情報が所定の閾値以上の変化率となった場合に切削を中止する、
請求項１に記載の切削シミュレーション装置。
【請求項３】
前記ボリュームレンダリング演算部には、複数の前記ボクセル情報に対応する複数枚のボクセルラベルと、Ｘ，Ｙ，Ｚ情報と、色情報と、輝度情報とが供給される、
請求項１または２に記載の切削シミュレーション装置。
【請求項４】
前記ボリュームレンダリング演算部は、前記入力部により切削指示された前記ボクセルラベルにおける前記表示対象物の部分の、輝度情報と色情報の少なくとも一方を変化させて前記ディスプレイに表示させる、
請求項３に記載の切削シミュレーション装置。
【請求項５】
前記ディスプレイには、前記入力部によって切削指示された切削量が表示される、
請求項１から４のいずれか１つに記載の切削シミュレーション装置。
【請求項６】
前記ディスプレイには、前記入力部によって切削指示された切削深さが表示される、
請求項１から４のいずれか１つに記載の切削シミュレーション装置。
【請求項７】
前記メモリは、前記断層画像情報取得部を介して入力されるボクセル情報を格納するボクセル情報格納部と、前記ボリュームレンダリング演算部によって切り出された前記ボクセルラベルを格納するボクセルラベル格納部と、を有する、
請求項１から６のいずれか１つに記載の切削シミュレーション装置。
【請求項８】
前記メモリは、前記ボクセルラベル毎の色情報を格納する色情報格納部をさらに有する、
請求項７に記載の切削シミュレーション装置。
【請求項９】
前記ボリュームレンダリング演算部は、前記ボクセル情報格納部に格納されたボクセル情報を前記ディスプレイに表示させ、
前記ディスプレイに表示された前記表示対象物における前記入力部によって切削指示された部分の色情報を変更する色情報設定部を、さらに備えている、
請求項７または８に記載の切削シミュレーション装置。

UNITED STATES PATENT AND TRADEMARK OFFICE

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1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED
SEP 29 2011
PCT LEGAL ADMINISTRATION

In re Application of :
DUAN et al. :
Application No.: 13/259,262 :
PCT No.: PCT/CN2009/074186 :
Int. Filing Date: 24 September 2009 :
Priority Date: 20 March 2009 :
Attorney Docket No.: 17171.18 :
For: AN OPTIMIZATION DESIGN METHOD FOR THE CHASSIS STRUCTURE OF AN ELECTRONIC DEVICE BASED ON MECHANICAL, ELECTRICAL AND THERMAL THREE-FIELD COUPLING

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 27 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/259,271	Filing date:	2011-12-06
First Named Inventor:	Pedro Rodriguez Cutillas		
Title of the Invention:	Method For Quantifying Modified Peptides		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/GB2010/000770

The international filing date of the corresponding PCT application(s) is/are: 2010-04-16

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/259,271
First Named Inventor:	Pedro Rodriguez Cutillas

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 is the same as PCT Claim 1 except is has been amended
		to correct minor typographical errors
2	2	US Claim 2 is the same as PCT Claim 2
3	3	US Claim 3 is the same as PCT Claim 3 except it has been amended
		to remove multiple dependencies
4	4	US Claim 4 is the same as PCT Claim 4 except it has been amended
		to remove multiple dependencies
5	5	US Claim 5 is the same as PCT Claim 5
6	6	US Claim 6 is the same as PCT Claim 6
7	7	US Claim 7 is the same as PCT Claim 7 except it has been amended
		to remove multiple dependencies
8	8	US Claim 8 is the same as PCT Claim 8 except it has been amended
		to remove multiple dependencies
9	9	US Claim 9 is the same as PCT Claim 9
10	10	US Claim 10 is the same as PCT Claim 10
11	11	US Claim 11 is the same as PCT Claim 11
12	12	US Claim 12 is the same as PCT Claim 12 except it has been amended
		to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Daniel M. Scolnick, Reg.#52201/	Date 2012-3-1
Name (Print/Typed) Daniel M. Scolnick	Registration Number 52,201

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)

Application No.: 13/259,271

First Named Inventor: Pedro Rodriguez Cutillas

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
13	13	US Claim 13 is the same as PCT Claim 13 except it has been amended to remove multiple dependencies
14	14	US Claim 14 is the same as PCT Claim 14 except it has been amended to remove multiple dependencies and to correct a minor typographical error
15	15	US Claim 15 is the same as PCT Claim 15 except it has been amended to remove multiple dependencies
16	16	US Claim 16 is the same as PCT Claim 16
17	17	US Claim 17 is the same as PCT Claim 17
18	18	US Claim 18 is the same as PCT Claim 18 except it has been amended to remove multiple dependencies
19	19	US Claim 19 is the same as PCT Claim 19 except it has been amended to remove multiple dependencies
20	20	US Claim 20 is the same as PCT Claim 20 except it has been amended to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Daniel M. Scolnick, Reg.#52201/	Date 2012-3-1
Name (Print/Typed) Daniel M. Scolnick	Registration Number 52,201

INTERNATIONAL SEARCH REPORT

International application No
PCT/GB2010/000770

A. CLASSIFICATION OF SUBJECT MATTER
INV. G01N33/68
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, COMPENDEX, EMBASE, INSPEC, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KIRKPATRICK D S ET AL: "The absolute quantification strategy: a general procedure for the quantification of proteins and post-translational modifications" METHODS, vol. 35, no. 3, 1 March 2005 (2005-03-01), pages 265-273, XP004762289 the whole document, in particular abstract; figure 1 ----- -/--	1-20

[X] Further documents are listed in the continuation of Box C.

[ ] See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
16 June 2010	05/07/2010

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Weber, Peter

INTERNATIONAL SEARCH REPORT

International application No
PCT/GB2010/000770

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PASA-TOLIC L ET AL: "Proteomic analyses using an accurate mass and time tag strategy" BIOTECHNIQUES, vol. 37, no. 4, October 2004 (2004-10), pages 621-639, XP002587409 the whole document, in particular abstract; figure 2 and 3 -----	1-20
A	YANG F ET AL: "Applying a targeted label-free approach using LC-MS AMT tags to evaluate changes in protein phosphorylation following phosphatase inhibition" J PROTEOME RES, vol. 6, no. 11, November 2007 (2007-11), pages 4489-4497, XP002587410 the whole document, in particular abstract; figure 1 -----	1-20
A	RUSE C I ET AL: "Quantitative dynamics of site-specific protein phosphorylation determined using liquid chromatography electrospray ionization mass spectrometry." ANAL CHEM, vol. 74, no. 7, 1 April 2002 (2002-04-01), pages 1658-1664, XP002587411 the whole document, in particular abstract -----	1-20
A	YI Z ET AL: "Quantification of Phosphorylation of Insulin Receptor Substrate-1 by HPLC-ESI-MS/MS" J AM SOC MASS SPECTROM, vol. 17, no. 4, 1 April 2006 (2006-04-01), pages 562-567, XP025114261 [retrieved on 2006-04-01] the whole document, in particular abstract -----	1-20
A	STEEN H ET AL: "Stable isotope-free relative and absolute quantitation of protein phosphorylation stoichiometry by MS" PROC NAT ACAD SCI USA, vol. 102, no. 11, March 2005 (2005-03), pages 3948-3953, XP002587412 the whole document, in particular abstract; paragraph "Normalization" on page 3949 -----	1-20

-/--

INTERNATIONAL SEARCH REPORT

International application No
PCT/GB2010/000770

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FICARRO S B ET AL: "AUTOMATED IMMOBILIZED METAL AFFINITY CHROMATOGRAPHY/NANO-LIQUID CHROMATOGRAPHY/ELECTROSPRAY IONIZATION MASS SPECTROMETRY PLATFORM FOR PROFILING PROTEIN PHOSPHORYLATION SITES" RAPID COMMUN MASS SPECTROM, vol. 19, 1 January 2005 (2005-01-01), pages 57-71, XP008059397 the whole document, in particular abstract; paragraph "Experimental" starting on page 58; table 4 -----	1-20
A	WANG Y-T ET AL: "SEMI-quantitation Strategy for Label-free Quantitative Profiling of Phosphoproteome in Lung Cancer of Different Invasive Potential" 56TH ASMS CONFERENCE ON MASS SPECTROMETRY,, 1 June 2008 (2008-06-01), page WP427, XP009134825 the whole document -----	1-20
A	NITA-LAZAR A ET AL: "Quantitative phosphoproteomics by mass spectrometry: Past, present, and future" PROTEOMICS, vol. 8, no. 21, November 2008 (2008-11), pages 4433-4443, XP002587413 the whole document -----	1-20
A	SMITH J C ET AL: "Recent developments in mass spectrometry-based quantitative phosphoproteomics" BIOCHEM CELL BIOL, vol. 86, no. 2, 1 April 2008 (2008-04-01), pages 137-148, XP009134757 the whole document -----	1-20

PCT/GB2010/000770

PATENT COOPERATION TREATY

ADVANCE E-MAIL

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

BRAMLEY, Sarah, Jane
KILBURN & STRODE LLP
20 Red Lion Street
London WC1R 4PJ
ROYAUME-UNI

Date of mailing *(day/month/year)* 27 October 2011 (27.10.2011)	
Applicant's or agent's file reference P46013WO/SJB	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/GB2010/000770	16 April 2010 (16.04.2010)	17 April 2009 (17.04.2009)

Applicant
QUEEN MARY & WESTFIELD COLLEGE et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference P46013WO/SJB	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/GB2010/000770	International filing date *(day/month/year)* 16 April 2010 (16.04.2010)	Priority date *(day/month/year)* 17 April 2009 (17.04.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant QUEEN MARY & WESTFIELD COLLEGE		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 18 October 2011 (18.10.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/GB2010/000770	16.04.2010	17.04.2009

International Patent Classification (IPC) or both national classification and IPC
INV. G01N33/68

Applicant
QUEEN MARY & WESTFIELD COLLEGE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Weber, Peter Telephone No. +49 89 2399-7437

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/GB2010/000770

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☒ on paper

   ☒ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☒ subsequently to this Authority for the purposes of search

4. ☒ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

1 DOCUMENTS

1.1 Reference is made to the following documents:

D1: KIRKPATRICK D S ET AL, METHODS, 35(3), 2005, 265-273
D2: PASA-TOLIC L ET AL, BIOTECHNIQUES, 37(4), 2004, 621-639
D3: YANG F ET AL, J PROTEOME RES, 6(11), 2007, 4489-4497
D4: RUSE C I ET AL, ANAL CHEM, 74(7), 2002, 1658-1664
D5: YI Z ET AL, J AM SOC MASS SPECTROM, 17(4), 2006, 562-567
D6: STEEN H ET AL, PROC NAT ACAD SCI USA, 102(11), 2005, 3948-3953
D7: FICARRO S ET AL, RAPID COMM MASS SPECTROM, 19, 2005, 57-71
D8: WANG Y-T ET AL, 56TH ASMS CONF MASS SPECTR, 2008, WP427
D9: NITA-LAZAR A ET AL, PROTEOMICS, 8(21), 2008, 4433-4443
D10: SMITH J C ET AL, BIOCHEM CELL BIOL, 86(2), 2008, 137-148

2 NOVELTY (Article 33(2) PCT) and INVENTIVE STEP (Article 33(3) PCT)

2.1 Independent claim 1

Document D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses:

A method for quantifying modified peptides in a sample, the method comprising: (a) obtaining peptides from the sample (figure 1B, steps 1-4); (b) adding reference modified peptides to the peptides obtained in step (a) to produce a mixture of peptides and reference modified peptides (figure 1B, step 5); (c) carrying out mass spectrometry (MS) on said mixture of peptides and reference modified peptides to obtain data relating to the peptides in the sample (figure 1B, steps 7-8); and (d) comparing the data relating to the peptides in the sample with data in a database of modified peptides using a computer programme (figure 1B, implied in step 7 in the light of figure 1A); wherein the database of modified peptides is compiled by a method comprising the acquisition of MS/MS spectra of synthetic, isotopically labeled reference modified peptides and storing data for selected reaction monitoring (figure 1A).

The subject-matter of claim 1 therefore differs from this known from D1 in that a different database is compiled by a different approach known as "accurate mass and time tag" and is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as the provision of a quantification method providing higher throughput and coverage.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Document D2 discloses the compilation of "accurate mass and time tag" databases and its use for the quantification of peptides in proteomics studies. Consequently, a combination of the disclosure of D1 and D2 could theoretically provide a solution to the present problem. However, the method according to D1 represents a self-contained approach and nothing would prompt the skilled person to combine it with the teaching of D2. Furthermore, D2 is exclusively dedicated to the the quantification of peptides as such, i.e. it is silent about the quantification of modified peptides in particular and the corresponding adaptions, which would be necessary in this new context (e.g. step ii. of claim 1). D2 vaguely suggests the combination of the "accurate mass and time tag" approach with more or less all existing quantitative proteomics approaches including the approach of D1 involving the addition of synthetic, isotopically labeled reference modified peptides (figure 2E), but this is done, once again, in the context of peptide quantification as such without providing any details and/or particular incentives to choose the approach as presently claimed.
D3 is the only prior art document that uses an "accurate mass and time tag" approach for the quantification of modified i.e. phosphorylated peptides, but the database is compiled differently resulting in a different database and the quantification is also done differently (figure 1).
Finally, there exists a plethora of alternative methods for the quantification of modified peptides involving the use of some kind of reference or internal standard peptides (D4-D10) without coming close to the subject-matter of present claim 1, despite the apparent activity in this particular field of scientific research.
Taken together, the skilled person would have to exercise inventive skills in order to arrive at the present solution.

Consequently, the subject-matter of present claim 1 has to be considered as involving an inventive step (Article 33(3) PCT).

2.2 Dependent claims 2-20

Claims 2-20 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/GB2010/000770	16.04.2010	17.04.2009

International Patent Classification (IPC) or both national classification and IPC
INV. G01N33/68

Applicant
QUEEN MARY & WESTFIELD COLLEGE

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- ☐ Box No. II Priority
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- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Weber, Peter Telephone No. +49 89 2399-7437

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International application No.
PCT/GB2010/000770

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5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

   see separate sheet

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D9: NITA-LAZAR A ET AL, PROTEOMICS, 8(21), 2008, 4433-4443
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The subject-matter of claim 1 therefore differs from this known from D1 in that a different database is compiled by a different approach known as "accurate mass and time tag" and is therefore new (Article 33(2) PCT).

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D3 is the only prior art document that uses an "accurate mass and time tag" approach for the quantification of modified i.e. phosphorylated peptides, but the database is compiled differently resulting in a different database and the quantification is also done differently (figure 1).
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Taken together, the skilled person would have to exercise inventive skills in order to arrive at the present solution.

Consequently, the subject-matter of present claim 1 has to be considered as involving an inventive step (Article 33(3) PCT).

2.2 Dependent claims 2-20

Claims 2-20 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No.:	13/259,298	First Named Inventor:	Toshiyuki Kamei
Filing Date:	2011-09-23	Attorney Docket No.:	29292-0021US1/KMT168US1
Title of the Invention:	Exhaust Gas Purifying Device for Internal Combustion Engine		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/054932

The international filing date of the corresponding PCT application(s) is/are: March 23, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- ☑ is attached.
- ☐ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

- ☐ is attached.
- ☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- ☐ is attached.
- ☑ has already been filed in the above-identified U.S. application on September 23, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

- ☐ are attached.
- ☑ have already been filed in the above-identified U.S. application on September 23, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	13/259,298	First Named Inventor:	Toshiyuki Kamei

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-4	1-4	The invention of claims 1-4 is not described in any of the documents
		cited in the International Search Report and would not be obvious
		to one skilled in the art. Particularly, none of the documents
		indicates that a flange in the upstream side of a filter case is fitted
		to a fitting portion via a fitting plate, and a specified number of
		reinforcing plates are fitted to the flange.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /W. Karl Renner/	Date April 13, 2012
Name (Print/Typed) W. Karl Renner	Registration Number 41265

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of	:
Attila Kovacs, et. al.	: REQUEST TO
Application No.: 13/259,329	: PARTICIPATE IN THE PATENT
Filed: September 23, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: VT-0007	: PROGRAM AND PETITION
For: UNIVERSAL BED INSERT, BUILT BY	: TO MAKE SPECIAL UNDER
AIR MATRESS, COMBINED WITH	: 37 CFR 1.102(a)
AIRTIGHT VALVES, AND METHOD FOR	:
PRODUCING THEREOF	:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 2, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the HPO application(s);

b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the HPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the HPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the HPO application is a first action allowance then no office action from the HPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the HPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the HPO examiner in the HPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the HPO application. For example, the HPO application contains 13 claims while the U.S. application, as amended on November 2, 2011, contains 15 claims. Petitioner should note that this not permitted under this PPH agreement.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with Document Description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of	:
Attila Kovacs, et. al.	: REQUEST TO
Application No.: 13/259,329	: PARTICIPATE IN THE PATENT
Filed: September 23, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: VT-0007	: PROGRAM AND PETITION
For: UNIVERSAL BED INSERT, BUILT BY	: TO MAKE SPECIAL UNDER
AIR MATRESS, COMBINED WITH	: 37 CFR 1.102(a)
AIRTIGHT VALVES, AND METHOD FOR	:
PRODUCING THEREOF	:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 2, 2011 and renewed on February 29, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the HPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the HPO application(s);

   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the HPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the HPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the HPO application is a first action allowance then no office action from the HPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the HPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the HPO examiner in the HPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/259,404	Filing date:	September 23, 2011
First Named Inventor:	Christiaan ROELANT		
Title of the Invention:	METODS FOR THE DETECTION AND TREATMENT OF ABERRANT PRION DISEASE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/054006

The international filing date of the corresponding PCT application(s) is/are: March 26, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/259,404
First Named Inventor:	Christiaan ROELANT

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 23, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 23, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
See attached Appendix.		

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date November 23 2011
Name (Print/Typed) Ricardo J. Moran, Ph.D.	Registration Number 48,735

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 13 2012

OFFICE OF PETITIONS

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20037

In re Application of
Christiaan Roelant et al
Application No.: 13/259,404
Filed: September 23, 2011
Attorney Docket No.: 77924.000008
For: METHODS FOR THE DETECTION AND TREATMENT OF ABERRANT PRION DISEASE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 23 2011
PCT LEGAL ADMINISTRATION

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of	:	
YOSHIDA et al.	:	DECISION ON
U.S. Application No.: 13/259,422	:	PETITION UNDER
PCT No.: PCT/JP2010/000836	:	37 CFR 1.47(a)
Int. Filing Date: 10 February 2010	:	
Priority Date: 24 March 2009	:	
Attorney Docket No.: 148333	:	
For: ROTARY KNOB	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 23 September 2011 to accept the application without the signature of joint-inventor, Yuusuke YOSHIDA.

BACKGROUND

On 10 February 2010, applicants filed international application PCT/JP2010/000836. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 September 2011.

On 23 September 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor cannot be

reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Tomoji Niwa, with supporting documents, describing efforts made to locate the nonsigning inventor, including a search of a telephone directory. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of two inventors and including an unsigned signature box identifying the nonsigning inventor (Yuusuke YOSHIDA). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Yuusuke YOSHIDA under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Yuusuke YOSHIDA
103, Forestplace,
4-15-13, Tomiya, Suzuka-city
Mie, 513-0037 Japan

MAILED
NOV 23 2011
PCT LEGAL ADMINISTRATION

In re Application of
YOSHIDA et al.
U.S. Application No.: 13/259,422
PCT No.: PCT/JP2010/000836
Int. Filing Date: 10 February 2010
Priority Date: 24 March 2009
Attorney Docket No.: 148333
For: ROTARY KNOB

Dear Yuusuke YOSHIDA:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Counsel of Record:
Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/259,562	Filing date:	2011-09-23
First Named Inventor:	Allen Olson		
Title of the Invention:	Improved Signal to Noise Ratio in Digital Image Pathology Analysis		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/059861

The international filing date of the corresponding PCT application(s) is/are: 2010-12-10

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/259,562
First Named Inventor:	Allen Olson

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 09/23/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 09/23/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-15	1-15	Same claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Pattric J. Rawlins/	Date September 23, 2011
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47887

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/259,562	09/23/2011	Allen Olson	110630-044UTL	9170

27809 7590 11/09/2011
PATTRIC J. RAWLINS / Aperio Technologies, Inc.
Procopio, Cory, Hargreaves & Savitch, LLP
525 B Street
Suite 2200
SAN DIEGO, CA 92101

EXAMINER

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
pattric.rawlins@procopio.com

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PATTRIC J. RAWLINS / Aperio Technologies, Inc.
Procopio, Cory, Hargreaves & Savitch, LLP
525 B Street
Suite 2200
SAN DIEGO CA 92101

In re Application of	
OLSON et al.	**: DECISION ON REQUEST TO**
Application No.: 13/259,562	**: PARTICIPATE IN THE PATENT**
Filed: 23 September 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 110630-044UTL	**: PROGRAM AND PETITION**
For: SIGNAL TO NOISE RATIO IN	**: TO MAKE SPECIAL UNDER**
DIGITAL PATHOLOGY IMAGE	**: 37 CFR 1.102(a)**
ANALYSIS	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
Akira Oda, et. al.
Application No.: 13/259,759
Filed: September 23, 2011
Attorney Docket No.: 387144US71CTC PCT
For: VEHICLE, CONTROL METHOD AND CONTROL APPARATUS EXAMINATION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 12, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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OLIFF & BERRIDGE PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Toba, et al.	:	ON PETITION
Application No. 13/259,788	:	
Filed: September 23, 2011	:	
Attorney Docket Number: 150887	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed September 29, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that a color drawing for Figure 8 is not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2811.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

CHG

Cliff Congo
Petitions Attorney
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	TBA	Filing date:	September 23, 2011
First Named Inventor:	Frederiksen		
Title of the Invention:	Enzyme with Silaffin		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/055189

The international filing date of the corresponding PCT application(s) is/are: April 20, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	TBA
First Named Inventor:	Frederiksen

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1-10	Claims 1-10	Claims 1-10 of the US Application are identical to claims 1-10 of the PCT application PCT/EP2010/055189

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Kristin McNamara/	Date September 23, 2011
Name (Print/Typed) Kristin J. McNamara	Registration Number 47692

Privacy Act Statement

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.