DO NOT SEND TO WAREHOUSE

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 7-11-03 **Paper No.:** 17

TO : **Supervisor, Art Unit** 1615

SUBJECT : Certificate of Correction Request in Patent No.: 6294197

A response to the following question is requested with respect to the accompanying request for a certificate of correction.

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

PLEASE COMPLETE THIS FORM AND RETURN WITH FILE, WITHIN 7 DAYS, TO CERTIFICATES OF CORRECTION BRANCH - PK 3-915/922 PALM LOCATION 7580 - TEL. N0. 305-8309

Michelle Williams

THANK YOU FOR YOUR ASSISTANCE!

Note your decision by placing a check mark in the appropriate box below, indicating whether all changes requested in the Request for Certificate of Correction should be applied. Please specify which changes should not be applied and indicate the reason(s) for denial, in the "Comments" section below.

☑ **YES** ☐ **NO**

☐ **Comments:**

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TC/AU CENTER 1600

Supervisor 1615 **Art Unit**

Case: 4-20921/A

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : US 6,294,197 B1
DATED: September 25, 2001
INVENTOR(S) : Robert Franz WAGNER ET AL.

It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page Item (57)
~~Page 1~~, Abstract, should read:
--The present invention is concerned with solid oral dosage forms comprising a) an active agent selected from valsartan and optionally HCTZ, and b) pharmaceutically acceptable additives suitable for the preparation of solid oral dosage forms by compression methods. --

Lines 1 thru 4 **Column 5**
line 52, should read:
--individually or together to particle sizes from about 0.1μ to --

Column 6
line 15, should read:
--minimum compaction force. Such a rapid disintegration--
line 49, (line 4 of paragraph before last) should read:
--a sieve under mechanical pressure. More preferably, the--

Column 9
Example 3, table should read:

Formula	
valsartan	80.0 mg (40%)
AEROSOL 200	10.0 MG (5%)
L-HPC* L-11	87.0 mg (43%)
Magnesium Stearate	3.0 mg (1.5%)
AVICEL PH-301	10.0 mg (5%)
L-HPC* L-21	5.0 mg (2.5%)
AEROSIL 200	1.0 mg (0.5%)
Talc	2.0 mg (1.0%
Magnesium Stearate	2.0 mg (1.0%)
	200.0 mg

*hydroxypropyl cellulose

MAILING ADDRESS OF SENDER:
Diane P. Tso
Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6807

PATENT NO. US 6,294,197 B1

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : US 6,294,197 B1
DATED: : September 25, 2001
INVENTOR(S) : WAGNER ET AL.

It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10,

line 31 ~~(claim 2, line 1)~~ should read:
--A compressed solid oral dosage form according to claim 1 wherein--
line 42 ~~(claim 5, line 1)~~ should read:
--A compressed solid dosage form according to claim 1--
line 44 ~~(claim 6, line 1)~~ should read:
--A compressed solid dosage form according to claim 1--

Column 11,

line 7 ~~(claim 14, line 1)~~ should read:
--A compressed solid dosage form according to claim 12--
line 47 ~~(claim 26, line 4)~~, claim 26, should read:
-- insufficiency, peripheral vascular disease, stroke, left ventricular --
line 50 ~~(claim 26, line 7)~~, should read:
-- compressed solid dosage form as defined in claim 1 to a host in need --
line 51 (claim 26, line 8), should read:
-- of such treatment. --
line 56 (claim 29, line 1), should read:
--A process of forming a compressed solid dosage form--

Case: 4-20921/A

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : US 6,294,197 B1
DATED: : September 25, 2001
INVENTOR(S) : WAGNER ET AL.

It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Page 1, Abstract should read:

--The present invention is concerned with solid oral dosage forms comprising a) an active agent selected from valsartan and optionally HCTZ, and b) pharmaceutically acceptable additives suitable for the preparation of solid oral dosage forms by compression methods. --

Column 5

line 52, should read:

--individually or together to particle sizes from about 0.1μ to --

Column 6

line 15, should read:

--minimum compaction force. Such a rapid disintegration--

line 49, (line 4 of paragraph before last) should read:

--a sieve under mechanical pressure. More preferably, the--

Column 9

Example 3, table should read:

Formula	
valsartan	80.0 mg (40%)
AEROSOL 200	10.0 MG (5%)
L-HPC* L-11	87.0 mg (43%)
Magnesium Stearate	3.0 mg (1.5%)
AVICEL PH-301	10.0 mg (5%)
L-HPC* L-21	5.0 mg (2.5%)
AEROSIL 200	1.0 mg (0.5%)
Talc	2.0 mg (1.0%
Magnesium Stearate	2.0 mg (1.0%)
	200.0 mg

*hydroxypropyl cellulose

MAILING ADDRESS OF SENDER:
Diane P. Tso
Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6807

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : US 6,294,197 B1
DATED: : September 25, 2001
INVENTOR(S) : WAGNER ET AL.

It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10,

line 31 (claim 2, line 1) should read:
--A compressed solid oral dosage form according to claim 1 wherein--
line 42 (claim 5, line 1) should read:
--A compressed solid dosage form according to claim 1--
line 44 (claim 6, line 1) should read:
--A compressed solid dosage form according to claim 1--

Column 11,

line 7 (claim 14, line 1) should read:
--A compressed solid dosage form according to claim 12--
line 47 (claim 26, line 4), claim 26, should read:
-- insufficiency, peripheral vascular disease, stroke, left ventricular --
line 50 (claim 26, line 7), should read:
-- compressed solid dosage form as defined in claim 1 to a host in need --
line 51 (claim 26, line 8), should read:
-- of such treatment. --
line 56 (claim 29, line 1), should read:
--A process of forming a compressed solid dosage form--

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,294,197 B1
DATED : September 25, 2001
INVENTOR(S) : Robert Frank Wagner et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,
Item [57], **ABSTRACT**,
Lines 1 thru 4, should read
-- The present invention is concerned with solid oral dosage forms comprising a) an active agent selected from valsartan and optionally HCTZ, and b) pharmaceutically acceptable additives suitable for the preparation of solid oral dosage forms by compression methods. --

Column 5,
Line 52, should read -- individually or together to particle sizes from about 0.1μ to --

Column 6,
Line 15, should read -- minimum compaction force. Such a rapid disintegration --
Line 49, should read -- a sieve under mechanical pressure. More preferably, the --

Column 9,
Example 3, table should read

Formula	
valsartan	80.0 mg (40%)
AEROSOL 200	10.0 MG (5%)
L-HPC* L-11	87.0 mg (43%)
Magnesium Stearate	3.0 mg (1.5%)
AVICEL PH-301	10.0 mg (5%)
L-HPC* L-21	5.0 mg (2.5%)
AEROSIL 200	1.0 mg (0.5%)
Talc	2.0 mg (1.0%
Magnesium Stearate	2.0 mg (1.0%)
	200.0 mg

*hydroxypropyl cellulose

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,294,197 B1
DATED : September 25, 2001
INVENTOR(S) : Robert Frank Wagner et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10,
Line 31, should read -- A compressed solid oral dosage from according to claim 1 wherein --
Lines 42 and 44, should read -- A compressed solid dosage form according to claim 1 --

Column 11,
Line 7, should read -- A compressed solid dosage form according to claim 12 --
Line 47, should read -- insufficieny, peripheral vascular disease, stroke, left ventricular --
Line 50, should read -- compressed solid dosage form as defined in claim 1 to a host in need --
Line 51, should read -- of such treatment. --
Line 56, should read -- A process of forming a compressed solid dosage form --

Signed and Sealed this

Ninth Day of September, 2003

JAMES E. ROGAN
Director of the United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231 DIW 03-00

Paper No. 6

ARNOLD WHITE & DURKEE
P.O. BOX 4433
HOUSTON, TX 77210-4433

COPY MAILED

JUL 7 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of
Zhang, Thwin, Wu, Cho, and Gallagher
Application No. 09/203,078
Filed: 1 December, 1998
Attorney Docket No. INRP:081

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed on 15 April, 1999.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 1 December, 1998, without an executed oath or declaration and naming Shuyuan Zhang, Capucine Thwin, Zheng Wu, Toohyon Cho, and Shawn Gallagher as joint inventors.

Accordingly, on 15 April, 1999, a "Notice To File Missing Parts Of Application" was mailed, requiring an executed oath or declaration, a filing fee and additional claim fees, and a surcharge for late filing.

In response, on 15 April, 1999, a petition was filed under 37 CFR 1.47(a). Petitioner additionally submitted the following: (a) a declaration signed by inventors Zhang, Thwin, Wu, and Gallagher; (b) an affidavit of Onita Cheyne; (c) a copy of the cover letter sent with the application and declaration via Federal

Express to the non-signing inventor, and (d) the non-signing inventor's last known address.

The petition states that a copy of the application papers were forwarded by Federal Express to Dr. Cho's last-known address on 31 March, 1999, but were returned as undeliverable on 5 April, 1999.

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 lacks items (1), (2), and (3). In regards to requirement (1), petitioner has not submitted sufficient evidence to show that diligent efforts have been made to locate the non-signing inventor. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having *first hand* knowledge of the details. Petitioner should provide a copy of the Federal Express airbill marked and returned as undeliverable in addition to any other official transmission report pertaining to this mailing and received from Federal Express.

In regards to requirement (2), the declaration is not acceptable because it does not list the residence, post office address, and citizenship for the non-signing inventor.[1] Petitioner must submit a new oath or declaration including the above-referenced information.

As previously authorized, petitioner's Deposit Account, No. 01-2508, will be charged the $130.00 petition fee required by law.

[1] 37 CFR 1.63 and MPEP 409.03(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703-308-6918.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DIW 08-00

Paper No. 9

ARNOLD WHITE & DURKEE
P.O. BOX 4433
HOUSTON, TX 77210-4433

COPY MAILED

SEP 06 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of
Zhang, Thwin, Wu, Cho, and Gallagher
Application No. 09/203,078
Filed: 1 December, 1998
Attorney Docket No. INRP:081

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 2 August, 2000.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 1 December, 1998, without an executed oath or declaration and naming Shuyuan Zhang, Capucine Thwin, Zheng Wu, Toohyon Cho, and Shawn Gallagher as joint inventors.

Accordingly, on 15 April, 1999, a "Notice To File Missing Parts Of Application" was mailed, requiring an executed oath or declaration, a filing fee and additional claim fees, and a surcharge for late filing. The petition to accord 37 CFR 1.47(a) status filed on 15 April, 1999, was dismissed in a decision mailed on 7 July, 2000.

In response, on 2 August, 2000, a renewed petition was filed under 37 CFR 1.47(a). Petitioner additionally submitted the following: (a) a declaration of facts by Steven L. Highlander dated 28 April, 2000; (b) a copy of the cover letter dated

31 March, 1999, transmitting the application to the non-signing inventor; (c) a copy of the Federal Express airbill transmitting the application to the non-signing inventor's last known address, dated 31 March, 1999, and from Federal Express back to petitioner's counsel, dated 2 April, 1999, and (d) a declaration of facts by Chuck Landrum dated 27 July, 2000, stating, *inter alia*, that Dr. Cho's last known address is 874 Yorkchester, #102, Houston, TX 77079.

The petition states that a copy of the application papers were forwarded by Federal Express to Dr. Cho's last-known address on 31 March, 1999, but were returned as undeliverable.

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 lacks items (1) and (2). In regards to requirement (1), petitioner has not submitted sufficient evidence to show that diligent efforts have been made to locate the non-signing inventor. The showing of record, a single mailing to the last known address, is insufficient to prove that diligent efforts were made to locate the non-signing inventor.[1] Petitioner should explain what attempts were made to obtain a forwarding address and to locate the inventor through other means. A brief Internet search suggests that Dr. Cho may currently reside at a different address in the Houston, TX area. If attempts to obtain a forwarding address and to locate the inventor by other means (e.g. though e-mail, Internet searches or the telephone) continue to fail, then applicant will have established that the inventor cannot be reached. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having *first hand* knowledge of the details. The specific dates and times that the application was mailed and other attempts, such as telephone calls or e-mail searches, were made should be included.

Additionally, if it is determined that Dr. Cho is now residing at a different address, a current statement of the last known address must be provided in any request for reconsideration.

---

[1] See MPEP 403.03(d).

In regards to requirement (2), petitioner has not submitted an oath or declaration listing the residence, post office address, and citizenship for the non-signing inventor[2] as required by the Decision Refusing Status mailed on 7 July, 2000. Petitioner must submit a new oath or declaration including the above-referenced information. It should be noted that, although petitioner states that Dr. Cho refuses to sign the declaration for Application No. 08/975,519 after receiving a copy of the application papers for that application, petitioner cannot file the declaration from Application No. 08/975,519 in the present application or obtain Rule 47 status based on the grant of Rule 47 status in Application No. 08/975,519 because the present application is a continuation-in-part, not a continuation or division, application of Application No. 08/975,519.[3]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703-308-6918.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[2] 37 CFR 1.63 and MPEP 409.03(b).

[3] 37 CFR 1.63(d)(1)(iv) and MPEP 602.05(a).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 13

STEVEN L. HIGHLANDER
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

COPY MAILED

FEB 15 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:
Zhang, Thwin, Wu, Cho, and	:
Gallagher	:
Application No. 09/203,078	:DECISION ACCORDING STATUS
Filed: December 1, 1998	:UNDER 37 CFR 1.47(a)
Attorney Docket No. INRP:081	:

This is in response to the Renewed "Petition Under 37 CFR 1.47(a)," filed November 9, 2000 (Certificate of Mailing Date November 6, 2000).

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center Art Unit 1623 for further examination in due course.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

COPY MAILED

FEB 15 2001

OFFICE OF PETITIONS
A/C PATENTS

Toohyon Cho
970 Bunker Hill Road
Houston, Tx 77024-1341

In re Application of
Zhang, Thwin, Wu, Cho, and Gallagher
Application No. 09/203,078
Filed: December 1, 1998
For: METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS

Dear Mr. Cho:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join 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.

Telephone inquiries regarding this communication should be directed to Karen Creasy at (703)305-8859. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application,

or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
Steven L. Highlander
Fulbright & Jaworski L.L.P.
600 Congress Avenue, Suite 2400
Austin, TX 78701

OIPE IAP66
NOV 13 2006

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 2023
www.uspto.go

Paper No. 13

STEVEN L. HIGHLANDER
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78701

COPY MAILED

FEB 15 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:
Zhang, Thwin, Wu, Cho, and	:
Gallagher	:
Application No. 09/203,078	:DECISION ACCORDING STATUS
Filed: December 1, 1998	:UNDER 37 CFR 1.47(a)
Attorney Docket No. INRP:081	:

This is in response to the Renewed "Petition Under 37 CFR 1.47(a)," filed November 9, 2000 (Certificate of Mailing Date November 6, 2000).

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center Art Unit 1623 for further examination in due course.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

OIPE IAP66
NOV 13 2006
TRADEMARK OFFICE

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 2023
www.uspto.go

COPY MAILED

FEB 15 2001

OFFICE OF PETITIONS
A/C PATENTS

Toohyon Cho
970 Bunker Hill Road
Houston, Tx 77024-1341

In re Application of
Zhang, Thwin, Wu, Cho, and Gallagher
Application No. 09/203,078
Filed: December 1, 1998
For: METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS

Dear Mr. Cho:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join 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.

Telephone inquiries regarding this communication should be directed to Karen Creasy at (703)305-8859. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application,

OIPE IAP66
NOV 13 2006
PATENT & TRADEMARK OFFICE

Best Available Copy

or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
Steven L. Highlander
Fulbright & Jaworski L.L.P.
600 Congress Avenue, Suite 2400
Austin, TX 78701

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : February 07, 2008

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/203,166 Patent No.: 7254297 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: Does not appear to be support for Applicant's statement that this is due to Office (PTO) error.

SPE - 2874

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

Date Mailed : 02/15/08

Patent No. : 7254297 B1
Patent Issued : 08/07/07
Docket No. : **CGW-235.1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 11/13/07; please see attachment. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

Corning Incorporated
SP-TI-03
Corning NY 14831

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : February 07, 2008

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/203,166 Patent No.: 7254297 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: Does not appear to be support for Applicant's statement that this is due to Office (PTO) error.

SPE - 2874

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 18, 2008

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/203,166 Patent No.: 7254297 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Per Applicant's request and explanation filed 4/07/08

2874

PAGE 1/1 * RCVD AT 5/7/2008 9:59:14 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/10 * DNIS:2709990 * CSID:5712730224 * DURATION (mm-ss):00-54

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 6

JOHN W KNOX
BOX 11560 VANCOUVER CENTRE
2200-650 WEST GEORGIA STREET
VANCOUVER V6B 4N8 CA CANADA

RECEIVED
APR 0 4 2003
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Norbert Wegner et al
Application No. 09/203,375
Filed: December 2, 1998
For: **FLOW CONTROL OF DATA UNITS ACROSS A BUS BRIDGE AND INTER-BUS COMMUNICATION SYSTEM EMPLOYING SAME**

DECISION ON PETITION

This is in response to the Petition to withdraw the Holding of Abandonment for the above-identified application, filed January 10, 2003 and Supplemental filed March 28, 2003.

The application was abandoned for failure to respond in a timely and effective manner to a Non-Final Rejection mailed February 28, 2002. A Notice of Abandonment was mailed December 2, 2002.

Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date stamped post card receipt, indicating that a Response and Declarations were received in the Patent and Trademark Office on May 30, 2002.

The original response was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as a *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but not matched with the application file.

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff to have the Response and Declarations entered. From there the application file will be forwarded to the examiner for consideration in due course.

Jin F. Ng, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Paper No: 25

Nikaido, Marmelstein, Murray and Oram
Metropolitan Square
655 Fifteenth Street, NW
Suite 330 - G Street Lobby
Washington, D.C. 20005-5701

COPY MAILED

JAN 25 2002

OFFICE OF PETITIONS

In re Application of:
Honold et al
Filed: 1 December 1998 :
Application No. 09/203,500 :
Attorney Docket No. P564-8025 : ON PETITION
For: OPTIMIZATION OF CELLS FOR :
ENDOGENOUS GENE ACTIVATION :

This is a decision on the petition filed on December 12, 2001, under 37 C.F.R. §1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely and properly file a response to a non-final Office Action as required in the Office Action, mailed February 6, 2001. The period for replying is statutorily set at three (3) months.[1] No reply was received within this time period.[2] Therefore, this application became abandoned for failure to timely file a proper reply as of August 7, 2001.[3]

It is noted that although the instant amendment states that it is filed under 37 CRF 1.116 (which is a response drawn to amendments after final action or appeal). Since the instant amendment is a response to a non-final action and appears to be responsive to the rejections set forth therein, the instant amendment under 37 CFR 1.116 is being treated as an amendment under 37 CFR 1.111 (which is a response drawn to amendments after non-final action).

The instant amendment, treated as an amendment under 37 CRF 1.111, in response to the Office Action of February 2, 2001, was filed on December

---

[1] 35 U.S.C. §151.

[2] Nor were any requests for extensions of time to respond to the non-final action received.

[3] 35 U.S.C. §133, 37 C.F.R. §1.134-136.

12, 2001 in conjunction with an appropriate Petition for Revival.

All other requirements for the filing of a grantable petition under 37 C.F.R. §1.137 have been met. Therefore, *this petition is* ***granted***.

There is insufficient information to make determinable whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. Nevertheless, in accordance with 37 C.F.R. §10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that Petitioner has no knowledge that the delay was in fact unintentional, Petitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If Petitioner discovers that the delay was intentional, Petitioner must so notify the Office. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Susan Ungar, Ph. D. at (703) 305-1645.

Scott Ledford
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Daniel Dzara, II
Arent Fox Kintner Plotkin &Kahn, PLLC
1060 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339

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

Paper 32

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

COPY MAILED

JUL 1 5 2004

OFFICE OF PETITIONS

In re Application of
Konrad Honold et al.
Application No. 09/203,500
Filed: December 1, 1998
Attorney Docket No. 2923-0301

ON PETITION

This is a decision on the petition, filed April 18, 2003 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the final Office Action mailed April 22, 2002. No response having been filed, this application became abandoned on July 23, 2002. Accordingly, a Notice of Abandonment was mailed January 22, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(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 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The petition does not satisfy requirement (1) above.

The application became abandoned for failure to file a response within the meaning of 37 CFR 1.113 to the final rejection of April 22, 2002, within the time period for response. The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application. Since the amendment submitted with the petition has been referred to the examiner, who has indicated that the amendment does not prima facie place the application in condition for allowance, the response required for a renewed petition must be a Notice of Appeal and requisite fee, or the filing of a continuing application under the terms set forth in 1031 O.G. 11.

Petitioner must submit a proper reply to the final Office action mailed on April 22, 2002, with any renewed petition. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (703)872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
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

Paper No. 34

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

COPY MAILED

SEP 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Konrad Honold et al. :
Application No. 10/203,500 : ON PETITION
Filed: December 1, 1998 :
Attorney Docket 2923-0301 :

This is a decision on the renewed petition under 37 CFR 1.137(b)[1], filed August 17, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on July 23, 2002, for failure to submit a timely response to the final Office action mailed on April 22, 2002, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply pursuant to 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed January 22, 2003. The petition filed April 18, 2003, was dismissed in a decision mailed July 15, 2004.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner has submitted a Request for Continued Examination (RCE) and an IDS with the present renewed petition. The amendment submitted with the petition filed on April 18, 2003, has been identified as the submission required under 37 CFR 1.114.

The application is being forwarded to Technology Center 1636 for processing of the RCE and submission and the IDS.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
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

In re Patent No. 6212728
Issue Date: April 10,2001
Application No. 09203723
Filed: December 2,1998
Attorney Docket No. MUT-009

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed May 18,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 18,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6212728	2001-04-10	09203723	1998-12-02	139694-21

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Greg Bruni/	Date (YYYY-MM-DD)	2009-05-13
Name	Greg Bruni, President, Multi-Reach, Inc.		
Enter Reel and Frame Number		Remove	
Reel Number	010016	Frame Number	0503
Enter Reel and Frame Number		Remove	
Reel Number	010013	Frame Number	0424
Enter Reel and Frame Number		Remove	
Reel Number	011213	Frame Number	0981
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 10

MAIL

MAY 1 2 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ON PETITION

BOURQUE & ASSOCIATES, P.A.
835 HANOVER STREET
SUITE 303
MANCHESTER NH 03104

In re Application of: :
Gene W. Lee :
Application No. 09/203,965 :
Filed: December 2, 1998 :
For: **SYSTEM AND METHOD FOR MANAGING A HOLD QUEUE BASED ON CUSTOMER INFORMATION RETRIEVED FROM A CUSTOMER DATABASE** :

This is a decision on the petition filed on October 7, 2002, to withdraw the holding of abandonment and the supplemental statements filed via facsimile on January 14, 2003. The petition is being treated pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed August 26, 2002 for failure to file a proper reply to the non-final Office action mailed July 3, 2001.

Petitioner alleges to have timely filed a response, amendment and request for extension of time. In support of the petition to withdraw the holding of abandonment, petitioner submits a copy of the Amendment and response, and a copy of the petition for an extension of time, including authorization to charge applicant's deposit account; which were filed via facsimile on November 6, 2001. Petitioner has also submitted a copy of a facsimile activity sheet as further evidence of the complete transmission to the Office on November 6, 2001 and has provided supplemental statements from Mr. R. Anthony Diehl which attest on a personal knowledge basis that the response was timely filed.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements stated above.

Accordingly, the petition is **GRANTED.**

The Notice of Abandonment mailed on August 26, 2002 is hereby vacated and the holding of abandonment withdrawn.

It is noted that the copy of the response includes a check box requesting a "two month" extension of time; whereas the first paragraph of the amendment refers to a petition for a "one month" extension of time. Since the non-final Office action was mailed July 3, 2001 setting forth a three month shortened statutory period for reply, the response (without a fee) would have had to been filed on or before October 3, 2001. A one month extension of time would have permitted filing of a timely response on or before Monday, November 5, 2001 (November 3, 2001 was a Saturday). Therefore, in order for the November 6, 2001 response to be timely, fees for a two month extension of time are required.

The application file is being forwarded to the Technology Center's support staff for processing of the two month extension of time and entry of the copy of the amendment and response. Thereafter, the application file will be forwarded to the Examiner for further examination in due course.

James Dwyer, Director
Technology Center 2600
Communications

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 Patent No. 6254309
Issue Date: July 3,2001
Application No. 09204183
Filed: December 3,1998
Attorney Docket No. RR-409

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed November 17,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 17,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6254309	2001-07-03	09204183	1998-12-03	RR-409

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Charles Rodman/	Date (YYYY-MM-DD)	2009-11-17
Name	Charles B. Rodman	Registration Number	26798

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

SANDER RABIN MD JD
A PROFESSIONAL CORPORATION
SARATOGA TECHNOLOGY ACCELERATOR
125 HIGH ROCK AVENUE
SARATOGA SPRINGS, NY 12866

COPY MAILED
SEP 15 2008

In re Application of	:	
HAMILTON, Gregory S. et al.	:	
Application No. 09/204,236	:	DECISION ON PETITION
Filed: December 03, 1998	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 25, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. 41672 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GLIAMED, INC.**
3960 BROADWAY
NEW YORK, NY 10032

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

GUILFORD PHARMACEUTICALS C/O
FOLEY & LARDNER LLP
3000 K STREET, NW
WASHINGTON, DC 20007-5143

COPY MAILED

SEP 15 2008

In re Application of	:	
HAMILTON, Gregory S. et al.	:	
Application No. 09/204,236	:	DECISION ON PETITION
Filed: December 03, 1998	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley & Lardner LLP has been revoked by the assignee of the patent application on August 26, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GLOBAL PATENT GROUP - GLM**
10411 CLAYTON ROAD
SUITE 304
ST. LOUIS MO 63131

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 25

DATE : 10/6/04

TO SPE OF : ART UNIT 3624

SUBJECT : Request for Certificate of Correction on Patent No.: 6631375

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte Newsome
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

C of C. Stapled to inner file Jacket

[signature] for [signature] 3624
SPE **Art Unit**

UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

MAILED

OCT 16 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Ostrolenk Faber Gerb & Soffen
1180 Avenue of the Americas
New York, NY 10036-8403

In re Application of
Deborah Everling et al
Application No. 09/204,390
Filed: December 2, 1998
For: MERCHANT TRANSACTION
DATA MINING METHOD

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on April 5, 2002.

The records of the Office indicate that an Office action was mailed to the address of record (1180 Avenue of the Americas, New York, NY) on June 11, 2001 wherein a three-month shortened statutory period for response was set. Since no response to the Office action was received, the application was held abandoned in the Notice of Abandonment mailed February 12, 2002.

Petitioner alleges that he never received the above-noted Office action and states that he searched of the patent application's file and did not locate the Office action of June 11, 2001. A printout of the file history for the instant application and a copy of a manual docket for the firm have been included with the petition.

There is a strong presumption that the correspondence, which was properly addressed and delivered to the United States Postal Service, was in fact delivered to the addressee. An allegation that the Notice was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. This presumption that the Notice was delivered to the applicant may be overcome by a showing that the Notice was not received. Applicant's statements should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office action, and any available documentary evidence of mail received, covering a reasonable period after the date of the Office action, to show non-receipt of the action in question.

Copies of records on which the receipt date of the Office action would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a copy of the docket records or any equivalent system used by the applicant as a reminder to ensure a timely response is

required. The manual docket submitted appears to list papers received for a given day at the firm. However, a docket record of all cases due at or around the due date of September 11, 2001 is required. Any submission must include an explanation of the system used and what any data thereon means.

Further, it is noted that the petition includes a statement that Mr. Scheer did not receive the June 11, 2001 Office action. However, according to the file record, Mr. Scheer is not listed as having Power of Attorney. It is also noted that the address under petitioner's signature is different than the address of record. Should an address change be desired, a notification of a change of address must be submitted, signed by an attorney of record. Finally, in view of these discrepancies, a statement that the Office action of June 11, 2001 was not received at the address of record (1180 Avenue of the Americas, New York, NY) by an attorney of record at that address is required.

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. No fee is required for such a petition.

The petition is **DISMISSED** pending submission of a renewed petition.

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 1.181."

Kenneth J. Dorner

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

Kjd: 10/10/02

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 28

THE LAW OFFICE OF JEROME J NORRIS
1901 PENNSYLVANIA AVENUE SUITE 305
WASHINGTON DC 20006

COPY MAILED

SEP 02 2003

OFFICE OF PETITIONS

In re Application of
Ravikumar Ramachandran, et al.
Application No. 09/204,706
Filed: December 3, 1998
Attorney Docket No. BLACK-USPA-103

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2003, to revive the above-identified application.

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 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action mailed September 10, 2002. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee as required by 37 CFR 1.17(b), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) under 37 CFR 114 or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted with the present petition does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE or the filing of a continuing application. See the attached Advisory Action.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By Fax: (703) 308-6916
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed the undersigned at (703) 305-9220.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Advisory Action

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

Paper No. 33

IRA S. MATSIL
SLATER & MATSIL, LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

COPY MAILED

SEP 24 2003

OFFICE OF PETITIONS

In re Application of
Ravikumar Ramachandran, et al.
Application No. 09/204,706
Filed: December 3, 1998
Attorney Docket No. 98 P 7501 US 01

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 22, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed September 10, 2002, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on March 25, 2003.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

The petition, as supplemented, is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9220.

The application file is being forwarded to Technology Center AU 1763, for further processing of the request for continued examination under 37 CFR 1.114 filed September 22, 2003.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 17

COPY MAILED

MAY 1 2 2003

OFFICE OF PETITIONS

JOHN E HALAMKA
21515 HAWTHORNE BLVD SUITE 590
TORRANCE CA 90503

In re Application of
Gary E. Johnson
Application No. 09/204,866
Filed: December 3, 1998
Attorney Docket No. PA1.615
Title: POWERED CUTTING SURFACE WITH PROTECTIVE GUARD FOR EQUINE TEETH

DECISION DISMISSING PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on March 24, 2003, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed June 12, 2002, which set a shortened statutory period for reply of three (3) months. On September 12, 2002, an amendment was received. The amendment was considered by the Examiner, and was not deemed to place the application in condition for allowance. An advisory action was mailed on October 15, 2002, which did not grant any additional period for response. On December 23, 2002, a second after-final amendment was received, containing a certificate of mailing dated December 21, 2002. On January 24, 2003, a notice of abandonment was mailed, which indicated that applicant's submission could not be considered, since it was filed subsequent to the maximum extendable period for response (December 12, 2002). Accordingly, the above-identified application became abandoned on September 13, 2002.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

RECEIVED
JUN 0 5 2003
OFFICE OF PETITIONS

With this petition, the petitioner paid the petition fee, made the proper statement of unintentional delay, submitted an amendment, and submitted the fee associated with the filing of a statutory disclaimer[2].

Petitioner has also submitted a five-month extension of time (three months for the response to the final action which was received subsequent to the maximum extendable period for response, and two months for the filing of this petition). Regarding the three-month extension of time, this would have been necessary only of the amendment had been filed after the maximum extendable period for response. Regarding the two-month extension of time, an extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply[3]. Accordingly, since the $ 985.00 extension of time submitted with the petition on March 24, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The instant petition is not grantable because requirement (1) above has not been satisfied.

The petition under 37 C.F.R. §1.137(b) 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 1.137(b)."

It is clear from rule 37 C.F.R. §1.116 that abandonment of an application is risked when the applicant proffers an amendment after the mailing of a final Office action. The rule clearly indicates that the mere filing of an amendment does not relieve applicant of the duty to take appropriate action to save the application from abandonment.

If steps are not taken after final to maintain pendency prior to the expiration of the maximum extendable period for reply, the application will go abandoned. Put another way, the submission of an after final amendment which fails to place the application in condition for allowance will result in the abandonment of the application, unless one of the following four items is filed prior to the maximum extendable period for reply:

- a subsequent amendment which places the application in condition for allowance:
- a Notice of Appeal:
- a Request for a Continuation Application pursuant to 37 C.F.R. § 1.53(b), if applicable:
- a Request for Continued Examination pursuant to 37 C.F.R. §1.114, and;
- a Terminal Disclaimer, if applicable.

---

2 As this application was filed subsequent to June 8, 1995, no terminal disclaimer is necessary. As such, the associated fee has not been charged to Petitioner's deposit Account.

3 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[4]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(b)(1) (i.e., a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. §1.53(b); a request for continuing examination under 37 C.F.R. §1.114, if applicable; or a 37 C.F.R. §1.129(a) submission, if applicable). The amendment which was filed concurrently with the instant petition has been considered by the Examiner, but it failed to place the application in condition for allowance. A courtesy copy of the advisory action prepared in response to this amendment has been included.

In order for the petition under 37 C.F.R. §1.137(b) to be granted, the petitioner must submit the required reply, which consists of an amendment which places the application in condition for allowance, the filing of a notice of appeal, or the filing of either a Continuing Application or a Request for Continued Examination.

The reply to this letter may be submitted by mail[5], hand-delivery[6], or facsimile[7].

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

---

4 See M.P.E.P. 711.03(c).

5 Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1460, Alexandria, VA 22313-1460. **Note that this is a new address, as the USPTO has changed addresses as of May 1, 2003.**

6 Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202.

7 (703) 308-6916, Attn: Office of Petitions.

RECEIVED

JUN 05 2003

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

REMAILED
COPY MAILED

AUG 1 2 2003

OFFICE OF PETITIONS

Paper No. 17

COPY MAILED

MAY 1 2 2003

OFFICE OF PETITIONS

JOHN E HALAMKA
21515 HAWTHORNE BLVD SUITE 590
TORRANCE CA 90503

In re Application of
Gary E. Johnson
Application No. 09/204,866
Filed: December 3, 1998
Attorney Docket No. PA1.615
Title: POWERED CUTTING SURFACE WITH PROTECTIVE GUARD FOR EQUINE TEETH

DECISION DISMISSING PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on March 24, 2003, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed June 12, 2002, which set a shortened statutory period for reply of three (3) months. On September 12, 2002, an amendment was received. The amendment was considered by the Examiner, and was not deemed to place the application in condition for allowance. An advisory action was mailed on October 15, 2002, which did not grant any additional period for response. On December 23, 2002, a second after-final amendment was received, containing a certificate of mailing dated December 21, 2002. On January 24, 2003, a notice of abandonment was mailed, which indicated that applicant's submission could not be considered, since it was filed subsequent to the maximum extendable period for response (December 12, 2002). Accordingly, the above-identified application became abandoned on September 13, 2002.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, the petitioner paid the petition fee, made the proper statement of unintentional delay, submitted an amendment, and submitted the fee associated with the filing of a statutory disclaimer[2].

Petitioner has also submitted a five-month extension of time (three months for the response to the final action which was received subsequent to the maximum extendable period for response, and two months for the filing of this petition). Regarding the three-month extension of time, this would have been necessary only of the amendment had been filed after the maximum extendable period for response. Regarding the two-month extension of time, an extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply[3]. Accordingly, since the $ 985.00 extension of time submitted with the petition on March 24, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The instant petition is not grantable because requirement (1) above has not been satisfied.

The petition under 37 C.F.R. §1.137(b) 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 1.137(b)."

It is clear from rule 37 C.F.R. §1.116 that abandonment of an application is risked when the applicant proffers an amendment after the mailing of a final Office action. The rule clearly indicates that the mere filing of an amendment does not relieve applicant of the duty to take appropriate action to save the application from abandonment.

If steps are not taken after final to maintain pendency prior to the expiration of the maximum extendable period for reply, the application will go abandoned. Put another way, the submission of an after final amendment which fails to place the application in condition for allowance will result in the abandonment of the application, unless one of the following four items is filed prior to the maximum extendable period for reply:

- a subsequent amendment which places the application in condition for allowance:
- a Notice of Appeal:
- a Request for a Continuation Application pursuant to 37 C.F.R. § 1.53(b), if applicable:
- a Request for Continued Examination pursuant to 37 C.F.R. §1.114, and;
- a Terminal Disclaimer, if applicable.

---

2 As this application was filed subsequent to June 8, 1995, no terminal disclaimer is necessary. As such, the associated fee has not been charged to Petitioner's deposit Account.

3 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[4]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(b)(1) (i.e., a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. §1.53(b); a request for continuing examination under 37 C.F.R. §1.114, if applicable; or a 37 C.F.R. §1.129(a) submission, if applicable). The amendment which was filed concurrently with the instant petition has been considered by the Examiner, but it failed to place the application in condition for allowance. A courtesy copy of the advisory action prepared in response to this amendment has been included.

In order for the petition under 37 C.F.R. §1.137(b) to be granted, the petitioner must submit the required reply, which consists of an amendment which places the application in condition for allowance, the filing of a notice of appeal, or the filing of either a Continuing Application or a Request for Continued Examination.

The reply to this letter may be submitted by mail[5], hand-delivery[6], or facsimile[7].

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

---

4 See M.P.E.P. 711.03(c).

5 Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1460, Alexandria, VA 22313-1460. **Note that this is a new address, as the USPTO has changed addresses as of May 1, 2003.**

6 Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202.

7 (703) 308-6916, Attn: Office of Petitions.

OIPE JC42
OCT 10 2003
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

DOCKET PA1.615
GROUP NUMBER 3732

In re Patent Application of

JOHNSON, GARY E.

Serial No.:09/204,866
Filed: 3 Dec. 1998

For: POWERED CUTTING SURFACE WITH PROTECTIVE GUARD FOR EQUINE TEETH
Group: 3732

Examiner: Mr. John J. Wilson
Primary Examiner

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope
ADDRESSED TO:
Commissioner of Patents
United States Patent and Trademark Office
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450
On 10 October 2003

John E. Halamka
Dated: 10 October 2003
Palos Verdes Estates, California

RENEWED PETITON UNDER 37 CFR 1.137(b)
AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.137(b)
IN RESPONSE TO DECISION DISMISSING PETITON TO REVIVE
AFTER ABANDONMENT
FROM FINAL ACTION DATED 6/12/2002

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
Office of Petitions: Attn: Mr. Paul Shanoski

10/16/2003 AWONDAF1 00000065 193935 09204866
02 FC:2801 385.00 DA
03 FC:2202 135.00 DA
04 FC:2809 385.00 DA

Dear Mr. Shanoski:

Responsive to the Decision Dismissing Petition, Mailed August 12, 2003, Applicant and his attorney wish to thank you for the Notice of steps to be taken after final to maintain pendency of the above identified application with Allowable claims 2,3,7,8,12,13 and 16-29.

Applicant's Attorney requests the examination of this response in an expedited manner which applicant's attorney believes the fee to be $135.00. Authorization to charge to Deposit account 08-0207 this fee and any other fee due on the submission of this Response is attached

RECEIVED
OCT 16 2003
OFFICE OF PETITIONS

hereto. Applicant's Attorney understands that other fees which might be applicable to this submission such as filing a submission after final rejection in the sum of $385 for a small entity as well as a request for continued examination in the sum of $385 and fully authorizes any fees whatsoever of this application to be charged to Deposit account 08-0207.

Applicant's Attorney has also attached a Terminal Disclaimer to Accompany Petition and authorizes the payment of the Terminal Disclaimer fee from Deposit Account 080207. Applicant's attorney further authorizes the payment of any fee for the filing of this Renewed Petition under 37 CFR 1.137(b) from Attorney's deposit Account 080207.

When applicant's attorney contacted the United States Patent Office regarding this matter, he was concerned that he was not listed as attorney of record for the above-identified application. He faxed a copy of the Power of Attorney to the United States Patent Office and herein attaches another copy and prays that the file for this application be updated to reflect John E. Halamka as the Attorney of Record in this matter. The full identification should be:

John E. Halamka
P.O. Box 207
Palos Verdes Estates, CA 90274
310-316-6100
Fax 310-541-8290
Email – halamka@usc.edu

A formal Change of Correspondence Address Application is attached hereto.

Enclosed are 10 pages of formal substitute pages to the claims reflecting the cancellation of claims 1, 4-6, 9-11, 14 and 15 by inserting (canceled) after each number as well as preserving the remaining allowed claims. Applicant's attorney did not understand that the claims not allowed must be formally cancelled. Therefore the cancellation of the claims at this time does not add new matter to the application but simply places the allowed claims in condition for allowance thereby preserving the allowed matter for the applicant. The action by Applicant's Attorney of not canceling the identified claims was unintentional and inadvertently omitted from the Response to the Office Action Made Final dated June 12, 2002. The first response to Final was filed 11 September 2002 and upon notification that the claims were still not in condition for allowance, applicant's attorney submitted a second response on 22 December 2002 which was 10 days beyond the maximum time to respond which created the current problem but still failed to place the

application in condition for allowance as the claims were not allowed still not cancelled.

Applicant's attorney respectfully submits that this action of canceling the non-allowed claims will bring the application into condition for allowance and preserve the valuable rights of the applicant. No new matter has been added to the application. It is requested that the following substitute pages of claims be allowed to be entered into the file and the application be passed on for issue.

IN THE CLAIMS:

Applicant by his Attorney of Record, John E. Halamka, hereby requests the cancellation of claims 1, 4-6, 9-11, 14 and 15.

Kindly find substitute pages 23 through 32 attached that reflect the cancellation of claims. Applicant's attorney respectfully requests the substitute pages be added to the application in place of the original filed pages.

As this response is filed within the two months from the mailing of the Decision Dismissing Petition, applicant's attorney believes that no additional fees are due. However, applicant's attorney authorizes any fees found to be due to be charged to Deposit Account 08-0207.

In case the examiner finds the application is not yet in condition for allowance, applicant's attorney respectfully requests immediate notification of any deficiency to which applicant's attorney will immediately respond to correct such deficiency, if any.

Timely notice of allowance of this application is hereby respectfully requested.

Respectfully submitted,

John E. Halamka
Attorney of record

OIPE JC42
OCT 10 2003
PATENT & TRADEMARK OFFICE

20

F

WHAT IS CLAIMED IS:

1. (Cancelled) An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion.

OK to enter upon revival JW

1

~~2~~ (Previously presented). An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while

providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted, said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion.

2 ~~3~~. (Previously presented) The arrangement defined in claim ~~2~~ 1 (Previously presented) further comprising a brass sleeve mountable

around said shaft under the condition of said shaft being inserted through said bearing and bearing seal into said shaft support means, said brass sleeve providing separation between said shaft and said shaft support means.

4. (Cancelled) The arrangement defined in claim 1 further comprising a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool.

5. (Cancelled) The arrangement defined in claim 1 further comprising preselected sized and shaped extended guards mountable to said cutting surface guard to provide additional separation between said cutting surface and said soft tissue within the mouth of the horse.

6. (Cancelled) The arrangement defined in claim 1 wherein said hand piece further comprises an orifice formed near said cutting surface and a second channel one end in communication with said orifice, the other end adapted to be removably attachable to a vacuum source whereby the dust and debris created by the removal of a selected portion of a tooth may first enter said orifice and then said second channel to be sucked out of the mouth of the horse and deposited into said vacuum source.

3 1

7. (Previously presented) The arrangement in claim 2 (Previously presented) wherein said shaft support means further comprises gearing means mounted within said shaft support means and in

communication with said shaft to change the rotational motion of said shaft attached to said motor holding means into reciprocating motion which may be applied to said cutting surface mounted on said shaft remote from said gearing means.

4 ~~8~~. (Previously presented) The arrangement in claim 1 ~~2~~ (Previously presented) wherein said shaft support means further comprises gearing means mounted within said shaft support means and in communication with said shaft to change the profile of the shaft by a preselected angle thereby increasing the range of placement of said cutting surface of said tool.

9. (Cancelled) The arrangement in claim 4 wherein said adaptive mounting of said flexible shaft is to a motor owned by the user.

10. (Cancelled) The arrangement in claim 4 wherein said means to hold said tool is a handle owned by the user, said flexible shaft having means to adaptively mount said handle on the end of said flexible shaft under the condition of said shaft mounted within said handle.

11. (Cancelled) The arrangement in claim 4 further comprising a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft.

5 ~~12~~. (Previously presented) An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while

providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted,said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion;

a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation

of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool; and,

a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft, wherein said clutch further comprises means to adjust the threshold of torque at which said motion is interrupted.

6 ~~13~~ (Previously presented) The arrangement in claim 5 ~~12~~ (Previously presented) further comprising a clutch housing mountable to said motor thereby enclosing said clutch and having a mounting to retain one end of said flexible shaft in communication with said clutch, said clutch housing having an means for access by the user to the means to adjust the torque.

14. (Cancelled) The arrangement in claim 1 wherein said hand piece and guard are fabricated from aluminum.

15.(Cancelled) The arrangement in claim 14 wherein the exposed surfaces of said aluminum are anodized.

7 ~~16.~~ An electric motor powered arrangement insertable into the mouth of a horse for the care and maintenance of equine teeth while providing protection of soft tissue within the mouth of the horse and comprising in combination:

a tool having a tooth material removal surface;

a shaft having a first end mounted to said tool and a second end attachable to said electric motor whereby said tooth material removal surface has a powered motion;

a hand piece fabricated with an internal shaft channel;

a bearing support sleeve;

at least one bearing mounted within said support sleeve at a preselected position whereby said bearing accepts the insertion of said shaft through said bearing thereby exposing the end of said shaft remote from said tooth removal surface, said bearing support sleeve mounted with said internal shaft channel whereby said exposed end of said shaft is attachable to said electric motor, said bearing providing support for said shaft under the condition of said tooth material removal surface tool being guided into contact with a preselected tooth and pressed against the tooth until a preselected portion of the tooth is removed while said tooth material removal surface is under powered motion;

a protective shield fabricated as part of said hand piece at a preselected position and shaped to expose a preselected portion of said tooth material removal surface of said tool retained within said hand piece, said exposed portion guided into contact with a preselected portion of the tooth whereby the remaining non-exposed surface is separated from other portions of the horses mouth including said soft tissue; and,

a sleeve mountable over said shaft within said shaft hand piece whereby said sleeve provides additional bearing means between said shaft and said hand piece without binding.

~~17~~ 8. The arrangement defined in claim ~~16~~ 7 wherein said bearing support sleeve means further comprises a bearing mounted at a preselected position within said bearing support sleeve and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding.

9 ~~18~~.The arrangement defined in claim ~~16~~ 7 further comprising a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool.

15 ~~19~~. The arrangement defined in claim ~~16~~ 7 further comprising preselected sized and shaped extended guards mountable to said cutting surface guard to provide additional separation between said cutting surface and said soft tissue within the mouth of the horse.

16 ~~20~~.The arrangement defined in claim ~~19~~ 15 wherein said extended guard further comprises an orifice formed near said cutting surface and a vacuum channel one end of which is in communication with said orifice, the other end of said vacuum channel adapted to be removably attachable to a vacuum source whereby the dust and debris created by the removal of a selected portion of a tooth may first enter said orifice and then said channel to be sucked out of the mouth of the horse and deposited into said vacuum source.

17 ~~21~~.The arrangement in claim ~~16~~ 7 wherein said bearing support sleeve further comprises gearing means mounted within said bearing support sleeve and in communication with said shaft to change the rotational motion of said shaft attached to said motor holding means into reciprocating motion which may be applied to said cutting surface mounted on said shaft remote from said gearing means.

~~22~~ 18. The arrangement in claim ~~16~~ 7 wherein said bearing support sleeve further comprises gearing means mounted within said bearing support sleeve and in communication with said shaft to change the profile of the shaft by a preselected angle thereby increasing the range of placement of said cutting surface of said tool.

~~23~~ 10. The arrangement in claim ~~18~~ 9 wherein said adaptive mounting of said flexible shaft is to a motor owned by the user.

~~24~~ 11. The arrangement in claim ~~18~~ 9 wherein said means to hold said tool is a handle owned by the user, said flexible shaft having means to adaptively mount said handle on the end of said flexible shaft under the condition of said shaft mounted within said handle.

~~25~~ 12. The arrangement in claim ~~18~~ 9 further comprising a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft.

~~26~~ 13. The arrangement in claim ~~25~~ 12 wherein said clutch further comprises means to adjust the threshold of torque at which said motion is interrupted.

~~27~~ 14. The arrangement in claim ~~26~~ 13 further comprising a clutch housing mountable to said motor thereby enclosing said clutch and having a mounting to retain one end of said flexible shaft in communication with said clutch, said clutch housing having an means for access by the user to the means to adjust the torque.

~~28~~ 19. The arrangement in claim ~~16~~ 7 wherein said hand piece and guard are fabricated from aluminum.

~~29~~ 20. The arrangement in claim ~~28~~ 19 wherein the exposed surfaces of said aluminum are anodized.

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

Paper No. 21

JOHN E HALAMKA
21515 HAWTHORNE BLVD SUITE 590
TORRANCE CA 90503

COPY MAILED

NOV 1 2 2003

OFFICE OF PETITIONS

In re Application of
Gary E. Johnson
Application No. 09/204,866
Filed: December 3, 1998
Attorney Docket No. PA1.615
Title: POWERED CUTTING SURFACE WITH PROTECTIVE GUARD FOR EQUINE TEETH

DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed on October 10, 2003, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed June 12, 2002, which set a shortened statutory period for reply of three (3) months. On September 12, 2002, an amendment was received. The amendment was considered by the Examiner, and was not deemed to place the application in condition for allowance. An advisory action was mailed on October 15, 2002, which did not grant any additional period for response. On December 23, 2002, a second after-final amendment was received, containing a certificate of mailing dated December 21, 2002. On January 24, 2003, a notice of abandonment was mailed, which indicated that applicant's submission could not be considered, since it was filed subsequent to the maximum extendable period for response (December 12, 2002). Accordingly, the above-identified application became abandoned on September 13, 2002.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the original petition, filed on March 24, 2003, the petitioner paid the petition fee. made the proper statement of unintentional delay, submitted an amendment, and submitted the fee associated with the filing of a statutory disclaimer[2].

The petition was dismissed for failure to include the required reply.

With the renewed petition, petitioner has submitted an amendment which has been considered by the examiner and has been deemed to be acceptable.

As such, the petition is **GRANTED**.

The Change of Correspondence Address has been entered and made of record.

After the mailing of this decision, the application will be forwarded to Technology Center 3700 for further processing of the amendment filed with the instant petition.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

2 As this application was filed subsequent to June 8, 1995, no terminal disclaimer is necessary. As such, the associated fee has not been charged to Petitioner's deposit Account.

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

JJGJR.: 06-06

Paper No: __

COPY MAILED
JUN 27 2006
OFFICE OF PETITIONS

LAW OFFICE OF
JOHN E. HALAMKA
P. O. BOX 207
PALOS VERDES ESTATES CA 90274

In re Application of	:	
Johnson	:	DECISION
Application No.: 09/204,866	:	
Filing Date: 3 December, 1998	:	
Attorney Docket No. PA1.615	:	

This is a decision on the petition filed on 13 March, 2006, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181, alternatively, to revive the application under 37 C.F.R. §1.137(a), as having as abandoned due to unavoidable delay, or 37 C.F.R. §1.137(b), as having as abandoned due to unintentional delay.

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181 is **DISMISSED**; the petition under 37 C.F.R. §1.137(a) is **DISMISSED**; and the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

NOTE:

Petitioner appears to have a practice of not listing his registration number and contact information (telephone and mailing) on his papers, which practice makes it difficult to respond to the array of problems described in the instant petition.

Moreover, Petitioner presents a narrative of difficulties in accessing the instant application and/or data thereon, however, Petitioner apparently ignored the stated instructions–clearly set forth in the very documents Petitioner seeks to submit to demonstrate his difficulties–as to contacting the Office to resolve technical problems.

Statutes, the Rules of Practice and guidance for technical assistance provide many avenues for action and methods of protection for applicants, patentees, assignees, practitioners and others to accomplish tasks before the Office. However, persons who fail to utilize those statutes, rules and guidance fail to succeed in their tasks or obtain those protections.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the *ex parte Quayle* action mailed on 24 February, 2005, with reply due absent an extension of time on or before Monday, 25 April, 2005–with a maximum deadline extension to 24 August, 2005;
- the instant application went abandoned after midnight 24 April, 2005;
- Petitioner's amendment, filed on 25 April, 2005, was found to be non-compliant, and the Notice of Non-Compliant Amendment was mailed on that date with a reply due absent extension of time on or before 25 May, 2005–and the language of the Notice expressly reminded Petitioner that the date of the Notice did not alter the statutory period for reply;
- Petitioner avers difficulties as early as March 2005 accessing information online, but states that he waited until 17 August, 2005, to establish a Private PAIR account;
- on 17 August, 2005, Petitioner filed a Notice of Change of Address–which in fact presented the same data long on file in the Office for Petitioner–but Petitioner still not file at that time a proper and timely reply to 24 February, 2005, action;
- Petitioner acknowledges that he waited further until 23 August, 2005–one day before the statutory deadline for reply–to attempt to contact the Examiner, whom, Petitioner complains, he could not reach immediately;
- on 25 August, 2005, Petitioner filed a reply to the 24 February, 2005, action and thus the first reply to the 25 April, 2005, Notice of Non-Compliant Amendment–all of which had a statutory reply deadline of 24 August, 2005;
- Petitioner supplemented his already-untimely 25 August, 2005, filing on 9 September, 2005;
- it does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed;

- on 30 March, 2006, Petitioner filed the instant petition, averred his difficulties, included copies of his replies, authorized fees–though apparently failed to consult the Office website for current fee structures–requested relief alternatively as withdrawal of the holding of abandonment or revival of the application (referring, improvidently , to the petition as one regarding an "Inadvertently Abandoned" application and suggesting unavoidable delay while also authorizing the (approximate) fees for a petition alleging unintentional delay), but also fails to make either the showing of unavoidable delay or the express statement of unintentional delay as set forth as a requirement of the regulations at in the regulations at 37 C.F.R. §1.137(b);

- **although Petitioner fails to make the regulatory statement as to unintentional delay, in light of the representations presented the petition is read to so state, however, Petitioner John Halamka (Reg. No. 30,177) must notify the Office if this reading is in error, consistent with his duty of candor to the Office;**[1]

- out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

[1] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137 to the Patent and Trademark Office).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

Rather than review the guidance set for in the Manual of Patent Examining Procedure (see: MPEP §711.03(c)–set forth in detail below for Petitioner's reference) as to a showing in support of a request to withdraw the holding of abandonment, it appears that Petitioner instead goes on at length about his frustrations with the prosecution of the instant application before the Office. As a result, it appears that Petitioner fails even to state simply (and so satisfy part of his showing requirement) that he has examined his docket records and the file and file wrapper for the instant application and finds no evidence therein of receipt of the action(s) in question.

It appears that with the petition and fee, the reply in the form of an amendment, and Petitioner's statements that the Office has indicated it will read as the statement of unintentional delay, Petitioner has satisfied the requirements under 37 C.F.R. §1.137(b).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this

---

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[6] And the Petitioner must be diligent in attending to the matter.[7] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

Withdrawal of the
Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[9]

Further, the commentary at MPEP §711.03(c) provides:

* * *

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented

---

[4] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[5] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[6] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[7] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[8] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[9] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

> in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.
>
> * **
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988). (Emphasis supplied.)
>
> * * *

And the regulation requires that relief be sought within two (2) months of the act complained of.

As of this writing Petitioner appears not to have satisfied and not to be able to satisfy the

showing requirements described above.

Allegations as to
Unavoidable Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(a) are the petition and fee, a statement/showing of unavoidable delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

Petitioner appears not to have satisfied these requirements.

Allegations as to
Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

The requirements for relief under the provisions of 37 C.F.R. §1.137(b) are: petition, fee, reply, showing of unintentional delay, and–where appropriate–a terminal disclaimer and fee.

Petitioner appears to have satisfied these requirements.

CONCLUSION

Because Petitioner has not satisfied the burdens set forth in Delgar v. Schulyer, the petition as considered under 37 C.F.R. §1.181 is **dismissed**; the petition under 37 C.F.R. §1.137(a) is **dismissed**; and the petition under 37 C.F.R. §1.137(b) is **granted**.

The application is released to the Examiner in Technology Center 3700 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior 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

Charles A. Eldering
Technology, Patents and Licensing, Inc.
6206 Kellers Church Road
Pipersville, PA 18947

COPY MAILED

AUG 03 2005

OFFICE OF PETITIONS

In re Application of :
ELDERING :
Application No.: 09/204,888 :
Filed: December 3, 1998 :
Attorney Docket No.: T702-00 (8887.3002 :

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 5, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained and a Notice of Appeal was not filed. Accordingly, by operation of law, the above-identified application became abandoned on January 06, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and submission as required by 37 CFR 1.114; (2) the petition fee and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of October 05, 2004 is accepted as having been unintentionally delayed.

The application is being referred to Technology Center AU 2611.

Telephone inquires concerning this decision should be directed to Derek A. Putonen at (571) 272-3294 or in his absence, the undersigned at (571) 272-3217

Frances Hicks for
Brian Hearn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 9

Duke W. Yee
Carstens Yee & Cahoon
P O Box 802334
Dallas, Texas 75380

Mailed
3/27/03

In re Application of: Ehnebuske et al.)
Application No.: 09/204,973)
Filed: December 3, 1998)
For: METHOD AND APPARATUS FOR APPLYING BUSINESS RULES IN AN OBJECT MODEL DRIVEN CONTEXT)

DECISION ON PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision in response to the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment, filed February 4, 2003, in response to a Notice of Abandonment.

This application was held abandoned for failure to file a timely response to the Office Action (final rejection) of mail date May 7, 2002. A Notice of Abandonment was mailed on December 16, 2002.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

In support of the petition, the practitioner states that the Final Office Action indicated, as mailed on May 7, 2002 of the above application was never received by applicants and attest to the fact that a search of the file jacket and docket records substantiates that the Final Office Action was never received. Petitioner supplies a copy of the docket record on which all events docketed in the application from the mail date of the Final Office Action (dated May 7, 2002), and states that this is where the record would have been entered in the firm's docketing system had the Office action been received and docketed.

The docket record attached to the February 4, 2003 petition did not show an entry to indicate the receipt of the Final Office Action that was mailed on May 7, 2002. Additionally, the petitioner have filed an affidavit indicating that the docketing system the firm uses does not have a specific place to enter a notice of abandonment. An index of the case file attached to the petition includes an entry for the receipt of the notice of abandonment and a copy of Final Office Action(see item No. 10).

Petitioner's submission meets the criteria set forth in MPEP § 711.03(c)(II) to withdraw holding of abandonment based on failure to receive office action. Therefore, the petition is **GRANTED**. The Notice of Abandonment is withdrawn.

The application file is being forwarded to the Technology Center support staff for REMAILING of the Final office action. The three months statutory period will be restarted to run from the mail date of the newly supplied Final office action.

It is noted that the filing of Notice of Appeal is premature at this stage and therefore not entered. Applicant can refile Notice of Appeal in response to the new Final office action.

Inquiries with respect to this decision may be directed to Vincent N. Trans at (703) 305-9750.

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and
Information Security
(703) 305-9750

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

Paper No. 28

Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030

COPY MAILED

MAY 2 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Zohar Bogin, et. al.	:	
Application No. 09/205,086	:	ON PETITION
Filed: December 4, 1998	:	
Attorney Docket No. 42390.P5549	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2005, to revive the above-identified application.

The Office hereby acknowledges receipt of a Change of Correspondence Address, a Request for Continued Examination, an amendment as the required submission under 37 CFR 1.114, and $1,370 for the petition to revive fee. However, effective December 8, 2004, the petition fee required is $1,500; therefore, the difference of $130 has been charged to petitioner's deposit account, as authorized.

Since petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b), the petition is **GRANTED**.

The application file is being forwarded to Technology Center Art Unit 2187, for processing the Request for Continued Examination under 37 CFR 1.114 and for further review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6042184
Issue Date: March 28,2000
Application No. 09205410
Filed: December 3,1998
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 19,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 19,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6042184	2000-03-28	09205410	1998-12-03	KOFOE-01001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Stuart J. West/	Date (YYYY-MM-DD)	2008-05-19
Name	Stuart J. West	Registration Number	43258

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6080280
Issue Date: June 27,2000
Application No. 09205496
Filed: December 3,1998
Attorney Docket No. M-712.02P

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed August 12,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 12,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6080280	2000-06-27	09205496	1998-12-03	M-712.02P

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/John W Moore Jr/	Date (YYYY-MM-DD)	2008-08-12
Name	John W. Moore, Jr.		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 23

Michael V. Messinger
Sterne Kessler Goldstein & Fox
1100 New York Avenue, NW
Suite 600
Washington, DC 20005

COPY MAILED

MAY 01 2002

OFFICE OF PETITIONS

In re Application of
David V. Pedersen et al.
Application No. 09/205,502
Filed: December 4, 1998
Attorney Docket No. P46-US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within in a timely manner to the non-final Office action mailed May 17, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 18, 2001.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 2839 for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6162020	2000-12-19	09205591	1998-12-04	E79001.002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Michael A. Forhan, Reg. No. 46706/	Date (YYYY-MM-DD)	2009-01-26
Name	Michael A. Forhan	Registration Number	46706

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

DOUGLAS J. RYDER
EXPANSE NETWORKS, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE, PA 18947

COPY MAILED

SEP 21 2005

OFFICE OF PETITIONS

In re Patent No. 6,457,010 :
Issue Date: September 24, 2002 :
Application No. 09/205,653 : LETTER
Filed: December 3, 1998 :
Attorney Docket No. 8887.3003

This is in response to the paper filed May 17, 2004, which is being treated as a petition under 37 CFR 1.27(c) seeking status as a small entity.

The Verified Statement Claiming Small Entity Status of May 17, 2004 has been made of record and small entity status has been accorded.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
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

DOUGLAS J. RYDER
EXPANSE NETWORKS, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE, PA 18947

COPY MAILED

OCT 0 7 2005

OFFICE OF PETITIONS

In re Patent No. 6,457,010 :
Issue Date: September 24, 2002 :
Application No. 09/205,653 : LETTER
Filed: December 3, 1998 :
Attorney Docket No. 8887.3003

CORRECTED LETTER

This is in response to the paper filed May 17, 2004, which is being treated under 37 CFR 1.28(b) requesting that status as a Small Entity be removed.

In accordance with the May 17, 2004 request, status as a Small Entity has been removed.

The letter mailed September 21, 2005 is hereby vacated as of the mail date of this letter.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
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

COPY MAILED

APR 0 3 2006

OFFICE OF PETITIONS

Clark & Ebeling
101 Federal Street
Boston, MA 02110

In re Application of Ruvkun et al. Application No. 09/205,658 Patent No. 6,861,256 Filed: Dec. 2, 1998 (CPA 1/10/01)	: : : LETTER REGARDING PTA : :

This decision is in response to Applicants' "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT)" asserting that applicants believe that they received too much PTA at the time of the mailing of the issuance of the patent.

The Office thanks applicants for their good faith and candor in bring this matter to the attention of the Office.

Applicants letter is **GRANTED.** The Office will adjust the PTA at the time of the mailing of the issuance of the patent from a determination of 351 days to a determination of 197 days. In addition, the Office will *sua sponte* issue a certificate of correction to reflect the proper determination.

Applicants submitted a letter to the Office suggesting that too much patent term adjustment may have been granted and applicants requested that the Office review the calculation for accuracy.

The Office agrees that too much PTA was awarded at the time of the issuance of the patent. The Office has reviewed the calculation and has determined that 154 days of patent term adjustment that was awarded is in error. The Office notes that applicants filed an RCE on October 31, 2003. The Office responded to such notice of January 30, 2004. Accordingly, the Office response was filed within 4 months and accordingly the Office did not fail to meet the four month requirement under 37 CFR 1.702(a)(2). Overall, the proper amount of PTA is 197 days at issuance.

After the mailing of the Office action, the file will be forwarded to the Office of Patent Publications for a prompt issuance of a certificate of correction. If applicants disagree with this determination, the application should file a response within thirty (30) days of the mail date of this letter. No extensions of time are granted under 37 CFR 1.136. After thirty (30) days, the Office will issue a certificate of correction reflecting this decision.

Because applicants have submitted this letter in good faith and candor, the Office will not assess any fees concerning the determination of the proper amount of Patent Term Adjustment.

Any questions concerning this determination should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent

Examination Policy at 571-272-7757.

Kery A Fries

Kery A, Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted PAIR calculation
Draft Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,861,256 B2

DATED : Mar. 1, 2005

INVENTOR(S) : Ruvkun et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (351) days

Delete the phrase "by 351 days" and insert – by 197 days--

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

The decision on the petition filed in the above entitled application is as follows:

☐ Delay in Prosecution Held Unavoidable (35 U.S.C. 133),

Petition Granted _____

☐ Delayed Payment of Issue Fee Accepted (35 U.S.C. 151),

Petition Granted _____

☒ Petition Granted §1.84(a)(2) 8/1/2000

☐ Petition Denied _____

☐ Petition Dismissed _____

By direction of the Deputy
Assistant Commissioner for Patents

_____

MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

PAPER No. 25

United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

Song K. Jung
LONG ALDRIDGE & NORMAN, LLP
Sixth Floor
701 Pennsylvania Avenue, N.W.
Washington, DC 20004

MAILED

MAR 07 2002

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

In re Application of
CHOI
Application No. 09/205,970
Filed: December 4, 1998
For: Method of Fabricating a Thin Film Transistor

DECISION ON PETITION TO RESET PERIOD FOR REPLY

This is a decision on the petition filed on January 29, 2002, requesting that the shortened statutory period for reply set forth in the Office communication mailed on December 26, 2001, be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **granted**.

Petitioner has provided a statement that the Office action in question was received at the correspondence address on January 23, 2002. The petition includes a copy of the Office action which was apparently faxed to petitioner on January 23, 2002. The petition was filed within two weeks of the date of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt.[1] Furthermore, the Office communication was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed.

Accordingly, the shortened statutory period that was originally set forth in the Office action originally mailed on December 26, 2001, is hereby reset to run FROM THE RECEIPT DATE OF January 23, 2002.

For

Edward Glick, Special Program Examiner
Technology Center 2800 - Semiconductors, Electrical and Optical Systems and Components
(703) 308-4858

[1]Although less than one month had elapsed, the period will be reset under the extraordinary circumstances.

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: OCT 27 2004

wak
Paper Number _____

In re application of
Cohen et al.
Serial No. 09/206,027
Filed: December 4, 1998
For: PLASMA PRECLEAN WITH ARGON HELIUM AND HYDROGEN GASES

DECISION ON PETITION

This is a response to the PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW HOLDING OF ABANDONMENT filed March 11, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of February 26, 2004, for failure to timely file a proper reply to the Office letter of March 19, 2003 be withdrawn since the applicants did timely file a response thereto on June 19, 2003 by facsimile transmission to the USPTO. (A copy of the papers filed June 19, 2003 and a copy of the Facsimile Transmission Report indicating receipt of the facsimile transmission at the USPTO is attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on June 19, 2003 by facsimile transmission as evidenced by the properly completed Certification of Facsimile Transmission attached to applicant's response and by the copy of the Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number (703-872-9310), of 14 pages. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper response to the Office letter mailed on June 19, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers originally filed June 19, 2003 by facsimile transmission and a copy of which is provided as an attachment to the instant petition.

The Petition is **GRANTED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Robb D. Edmonds
Moser, Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 8

COPY MAILED

JUN 29 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

Jane Massey Licata
Law Offices of Jane Massey Licata
66 E. Main Street
Marlton, NJ 08053

In re Patent No. 5,945,107 :
Issue Date: August 31, 1999 :
Application No. 09/206,081 : DECISION ON PETITION
Filed: December 4, 1998 :
Attorney Docket No. MT-0003 :

This is a decision on the petition filed April 25, 2000, to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is granted.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

JJGJr.:08-01

Paper 8

ROBERT M. ASHER
BROMBERG & SUNSTEIN L.L.P.
125 SUMMER STREET
BOSTON, MA 02110-1618

COPY MAILED

AUG 1 3 2001

OFFICE OF PETITIONS

In re Application of
Hanam
Application No. 09/206,097
Filed: 4 December, 1998
Attorney Docket No. P3557

DECISION ON PETITION

This is a decision on the petition filed on 18 July, 2001, under ¶ "b" of 37 C.F.R. §1.137[1] to revive the above-identified application.

---

[1] The regulations at 37 C.F.R. §1.137 provide:

§ 1.137 Revival of abandoned application, terminated reexamination proceeding, or lapsed patent.

(a) *Unavoidable.* If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in §1.17(l);

(3) A showing to the satisfaction of the Commissioner 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 unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

(b) *Unintentional.* If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

(c) *Reply.* In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(d) *Terminal disclaimer.*

(1) Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any petition to revive pursuant to this section in either a utility or plant application filed before June 8, 1995, must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of:

(i) The period of abandonment of the application; or

(ii) The period extending beyond twenty years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed.

(2) Any terminal disclaimer pursuant to paragraph (d)(1) of this section must also apply to any patent granted on a continuing utility or plant application filed before June 8, 1995, or a continuing design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought.

(3) The provisions of paragraph (d)(1) of this section do not apply to applications for which revival is sought solely for purposes of co-pendency with a utility or plant application filed on or after June 8, 1995, to lapsed patents, or to reexamination proceedings.

(e) *Request for reconsideration.* Any request for reconsideration or review of a decision refusing to revive an abandoned application, a terminated reexamination proceeding, or lapsed patent upon petition filed pursuant to this section, to be considered timely, must be filed within two months of the decision refusing to revive or within such time as set in the decision. Unless a decision indicates otherwise, this time period may be extended under:

(1) The provisions of § 1.136 for an abandoned application or lapsed patent;

(2) The provisions of § 1.550(c) for a terminated *ex parte* reexamination proceeding filed under § 1.510; or

(3) The provisions of § 1.956 for a terminated *inter partes* reexamination proceeding filed under § 1.913.

(f) *Abandonment for failure to notify the Office of a foreign filing*: A nonprovisional application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing, may be revived only pursuant to paragraph (b) of this section. The reply requirement of paragraph (c) of this section is met by the notification of such filing in a foreign country or under a multinational treaty, but the filing of a petition under this section will not operate to stay any period for reply that may be running against the application.

The petition is **GRANTED**.

The record reflects that:

- this application became abandoned for failure to file timely and properly a response to the Notice of Missing Parts mailed on 8 January, 1999, and due under a shortened statutory period (SSP) on or before 8 March, 1999;
- the application went abandoned after midnight on 8 March, 1999;
- the Office mailed the Notice of Abandonment on 23 September, 1999;
- a response to the Notice of Missing Parts was filed contemporaneously with the instant petition.

The record (including the petition filed on 18 July, 2001) does not necessitate a finding that the delays between midnight 8 March, 1999, and 18 July, 2001, were not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on Petitioner's duty of candor and good faith when accepting Petitioner's Counsel's (Alton Hornsby III, Registration No. 47299) representation upon his personal investigation that he asserts to the Office that the delay in filing the response was unintentional.[2]

The Associate Power of Attorney filed 18 July, 2001, hereby is acknowledged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquiries concerning this matter may be directed to John J. Gillon, Jr., Attorney, Office of Petitions, at (703) 305-9199.

John J. Gillon, Jr.
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

(g) *Provisional applications*. A provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to this section. Subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.
[47 Fed. Reg. 41277, Sept. 17, 1982, effective Oct. 1, 1982; para. (b) 48 Fed. Reg. 2713, Jan. 20, 1983, effective Feb. 27, 1983; paras. (a) - (c), paras. (d) & (e) added, 58 Fed. Reg. 44277, Aug. 20,1993, effective Sept. 20, 1993; para. (c) revised, 60 Fed. Reg. 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Sept. 8, 2000; revised, 65 Fed. Reg. 57024, Sept. 20, 2000, effective Nov. 29, 2000]

[2] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.go

MAIL

APR 04 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

In re Application of
HANAM, GERALD J.
Application No. 09/206,097
Filed: December 4, 1998
For: **SYSTEM AND METHOD FOR FACILITATING DISCOVERY OF NETWORK ADDRESSES ...WHICH ARE CONNECTED IN DIGITAL DATA NETWORKS**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed February 7, 2005, requesting the holding of abandonment be withdrawn in the above-identified application.

This application was held abandoned for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee Due mailed June 1, 2004. A Notice of Abandonment was mailed January 13, 2005.

A review of the record indicates that a Revocation and Power of Attorney was filed prior to the Notice of Allowance mailed of June 1, 2004 but not matched with the file. A copy of the Power of Attorney was filed on September 2, 2004 having attached thereto a copy of a post card receipt evidencing an original receipt date of May 10, 2004. The Notice of Allowance was mistakenly mailed to a previous correspondence address resulting in an irregularity in mailing.

In view of the above stated reasons the holding of abandonment is withdrawn. The Notice of Allowance is vacated.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff for preparing a new Notice of Allowance and for re-mailing the Notice of Allowability. The period for submitting the issue fee will run three months from the mailing date of the Notices.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON MA 02109

COPY MAILED

FEB 0 9 2005

OFFICE OF PETITIONS

In re Patent of	:	
Freeman, et al.	:	
Patent No. 6,723,705	:	
Issue Date: April 20, 2004	:	Decision on Petition
Application No. 09/206,132	:	
Filing Date: December 7, 1998	:	
Attorney Docket No. RPI-008CPDV	:	

This is a decision on the petition under 37 CFR § 1.183, filed December 3, 2004, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition will be treated as a request under 37 CFR 3.81(b) to accept the correction of the assignee data.

The request under 37 CFR 3.81(b) is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
(2) the assignment was submitted for recordation prior to issuance of the patent, and
(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has not met the requirements set forth above because petitioner has not submitted a

request for certificate of correction. Therefore, the request is **dismissed**.

Regarding finances, the processing fee set forth in 37 CFR 1.17(i) is $130.00. Petitioner's deposit account was charged $400.00. This leaves a balance of $270.00. However, a $100.00 certificate of correction fee is due and will be retained by the Office. Therefore, deposit account no. 12-0080 will be credited $170.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions

OIPE JC116
SEP 1 8 2000
PATENT & TRADEMARK OFFICE

Please type a plus sign (+) inside this box → [+]

PTO/SB/69 (12-97)
Approved for use through 9/30/00. OMB 0651-0031
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.

PETITION ROUTING SLIP

(Find the petition from the list and check the box in the heading above the petition)

Complete if Known	
Application Number	09/206,458
Filing Date	December 7, 1998
First Named Inventor	Greaves
Group Art Unit	1651
Examiner Name	Christopher Tate
Attorney Docket Number	4532670/69748

☑ PETITIONS DECIDED BY PETITIONS OFFICE

301 Relating to Public Use Proceedings (37 CFR 1.292)
302 To make application special - prospective manufacture (37 CFR 1.102, MPEP 708.02)
303 To make special - infringement (37 CFR 1.102, MPEP 108.02)
304 Relating to the Filing/Issuance of Divisional Reissue (37 CFR 1.177)
305 To waive or suspend rules (37 CFR 1.183)
306 To expunge a paper from patent application or patent file (37 CFR 1.59)
307 Withdrawal of Attorney (37 CFR 1.36)
308 For access to application except re proceedings before Board (37 CFR 1.14, MPEP 103,104)
309 Relating to Small Entity (37 CFR 1.28)
310 Relating to reexamination (37 CFR 1.181-1.183)
311 For correction of inventorship for applications - no filing date (37 CFR 1.48)
312 For correction of inventorship re PCT applications (37 CFR 1.48)
313 For filing application without one or more inventors (37 CFR 1.47)
314 For filing PCT application without one or more inventors (37 CFR 1.47)
315 For extension of time without fee in cases in Application Division (37 CFR 1.136(b))
399 For matters before A/C for Patents - not specified
408 Relating to a filing date under 35 USC 111& 37 CFR 1.53
411 Filing date for application filed by Express Mail (37 CFR 1.10)
412 Filing date for lost application
501 To revive an abandoned application - unavoidable delay (37 CFR 1.137(a))
502 To revive an abandoned application - unintentional abandonment (37 CFR 1.137(b))
503 To waive/suspend rules (37 CFR 1.183)
504 To invoke supervisory authority - re patent examining operations (37 CFR 1.181)
505 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)(1-4))
506 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)) or abandon application in favor of continuing application
507 To enter priority papers after Issue Fee payment (37 CFR 1.55(a))
508 To defer issuance of patent (37 CFR 1.314)
515 To invoke supervisory authority - re Office of Admin. (37 CFR 1.181)
516 To waive/suspend rules re patent mailers in Office of Admin. (37 CFR 1.183)
519 To decide matters before Deputy A/C for Patents under 37 CFR 1.182
521 To review refusal to accept & record maintenance fee - application filed on or after 8/27/82 (37 CFR 1.377)
523 To issue patent in the name of the Assignee (37 CFR 1.334(c))
525 To withdraw a holding of abandonment (37 CFR 1.181)
526 To order a Commissioner-initiated Reexamination proceeding (37 CFR 1.520)
527 To convert Provisional Application
528 To reinstate abandoned Provisional Application
530 PCT petition-unavoidable
531 PCT petition-unintentional
532 To accept unavoidably delayed payment of maintenance fee (37 CFR 1.378 (b))
533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1.378 (c))
534 Petitions related to reexamination proceedings
599 For matters before the Deputy A/C for Patents - not specified

☐ PETITIONS DECIDED BY THE GROUP DIRECTOR

601 To make application special on ground of age or health (37 CFR 1.102, MPEP 708.02)
602 To make special - continuity of earlier application (37 CFR 1.102, MPEP 708.02)
603 To make special - environment quality program (37 CFR 1.102, MPEP 708.02)
604 To make special - accelerated examination (37 CFR 1.102, MPEP 708.02)
605 To make special - Energy Program (37 CFR 1.102, MPEP 708.02)
606 To make special - Recombinant DNA (37 CFR 1.102, MPEP 708.02)
607 To make special for reasons not provided for in codes 601-606 (37 CFR 1.102, MPEP 708.02)
608 To reopen prosecution after Board decision (37 CFR 1.198)
609 For review of final restriction requirement (37 CFR 1.144)
610 Invoking Authority of Commissioner under 37 CFR 1.181 not specified in codes
611 Relating to the prematureness of final rejection (37 CFR 1.181, MPEP 706.07(c))
612 Relating to the refusal to enter an amendment (37 CFR 1.181 & 1.127, MPEP 714.19)
613 To withdraw a holding of abandonment (37 CFR 1.137, MPEP 711.03)
614 Relating to a requirement to cancel new matter from application (37 CFR 1.181, MPEP 608.04(c))
615 Relating to formal sufficiency/propriety of affidavits (37 CFR 1.131, 1.132, 1.608,MPEP 715.07)
616 To institute an interference (37 CFR 1.606)
617 Relating to refusal to enter an amendment under 37 CFR 1.312
618 For concurrent Ex parte and Inter parte proceedings (37 CFR 1.212)
619 For return of original oath of patent application (MPEP 604.04(a))
620 For extension of time (37 CFR 1.136(b))
621 For interview after Notice of Allowance mailed (MPEP 713.10)
622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)
623 For second or subsequent suspension of action (37 CFR 1.103, MPEP 709)
625 To reinstate Appeals dismissed in Group
626 From denial of reexamination request (37 CFR 515(c))
627 To enter an amendment after payment of Issue Fee (37 CFR 1.312(b))
628 From refusal to issue a Certificate of Correction (37 CFR 1.181, MPEP 1480 -1485)
629 For withdrawal of attorney from application pending in group (37 CFR 1.36)
630 For extension of time in a reexamination (37 CFR 1.550(c))
631 To merge multiple reexamination proceedings (37 CFR 1.565(c), MPEP 2283)
632 To effect a second conversion of inventorship (37 CFR 1.48, MPEP 201.03)
633 Superconductivity
634 To correct inventorship in a patent not in interference (37 CFR 1.324, MPEP 1481)
635 To change inventorship in an application (37 CFR 1.48)
636 To change inventorship in a patent (37 CFR 1.48)
637 To withdraw from Issue before payment of an Issue fee (37 CFR 1.313(a))
699 For matters before Group Director - not specified

☐ PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES

701 To exercise supervisory authority re action by examiner/examiner-in-chief (37 CFR 1.644)
702 To accept belatedly filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1.666(c))
703 For withdrawal of attorney in proceeding under 37 CFR 1.201 - 1.288 (37 CFR 1.36)
704 For access to a settlement agreement under 35 USC 135(c) (37 CFR 1.666(b))
705 For access to an application in proceedings before the Board (37 CFR 1.14(e))
706 From a refusal to issue a Certificate of Correction (37 CFR 1.322, 1.323)
707 To correct errors in inventorship (37 CFR 1.324)
708 For extension of time to file amendment under 37 CFR 1.196(b) (37 CFR 1.136)
709 To make an application before the Board special (37 CFR 1.102)
710 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
711 To assign particular members to hearing or to request augmented panel (35 USC 7)
712 To decide miscellaneous questions in proceedings under 37 CFR 1.601-1.688
713 To accept priority papers in applications in interference (37 CFR 1.644)
714 To reinstate an Appeal
799 For matters before Chairman of Board - not specified
801 To make an application before the Board special (37 CFR 1.102)
802 To reinstate an Appeal
803 To extend time/suspend proceedings (37 CFR 1,196, 1.197, 1.304)
804 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
805 To accept late request for an Oral Hearing (37 CFR 1.136)
899 For matters before the Clerk of the Board - not specified

☐ PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)

901 Under 42 USC 2182
902 Under 42 USC 2457
903 Under 35 USC 184
904 Under 35 USC 267
905 To consider/review security or Government interest matters - not specified

☐ PETITIONS DECIDED BY THE SOLICITOR

951 Petitions for extension of time in court matters 35 USC 142, 145, 146
952 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit
953 Requests filed under the Freedom of Information Act
959 Not specified

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

KENT A. HERINK
DAVIS BROWN KOEHN SHORS AND
ROBERTS
SUITE 2500
666 WALNUT STREET
DES MOINES, IA 50309

In re Application of	:	
Greaves, et al.	:	
Application No. 09/206,458	:	ON PETITION
Filed: December 7, 1998	:	
Attorney Docket No. 4532670-69748	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned April 7, 2000. The application became abandoned for failure to reply in a timely manner to the non-final office action mailed January 6, 2000 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. This decision precedes notice of abandonment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $870.00 extension of time fee submitted September 18, 2000 was subsequent to the maximum period obtainable for reply, this fee is unnecessary. A refund to deposit account no. 12-2250 has been requested from the Office of Finance, Refund Section.

Receipt of the amendment filed September 18, 2000 is hereby acknowledged.

This application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown 703-305-0310.

E. Shawn Wallace for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 20

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES, IA 50309-3993

COPY MAILED

OCT 0 9 2001

OFFICE OF PETITIONS

In re Application of :
Greaves et al. :
Application No. 09/206,458 : DECISION ON PETITION
Filed: December 7, 1998 :
Attorney Docket No. **4532670/6974** :
Title: **METHOD FOR SIMULTANEOUS EXTRACTION OF ESSENTIAL OILS AND ANTIOXIDANTS FROM LABIATAE SPECIES AND THE EXTRACT PRODUCTS THEREOF** :

This is a decision on the petition filed on June 28, 2001, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The fee for filing a petition to revive an unavoidably abandoned application under 37 C.F.R. §1.137(b) is set forth in 37 C.F.R. 1.17(m) as being one thousand, two-hundred, and forty dollars ($124.00). Petitioner has submitted one thousand, two-hundred, and ten dollars ($1210.00) with the instant petition. Additionally, the petition does not include an authorization for the PTO to charge Petitioner's deposit account for any deficient amounts. Therefore, in the absence of either an actual payment or an authorization to charge his deposit account for this fee deficiency, requirement number (2) has not been met.

---

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The payment of the required petition fee is a prerequisite to the filing of a petition to revive under 37 C.F.R. 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. *M.P.E.P. 711.03(c)(III)(B)*[2]

In view of the foregoing, this petition is **DISMISSED**.

Your response to this letter *must* be submitted within ONE (1) MONTH from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The response should include a cover letter entitled " Renewed Petition under 37 C.F.R. §1.47(b)."

Once this opportunity has passed, *there will be no further reconsideration of this matter.*

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[2] "...[T]he payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application and cannot be waived. In addition, the phrase '[o]n filing' in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 C.F.R. 1.137. See H.R. Rep. No. 542, 97th Cong., 2nd Sess. 6 (1082), *reprinted in* 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office...will not reach the merits of any petition under 37 C.F.R. 1.137 lacking the requisite petition fee."

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 22

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES IA 50309-3993

COPY MAILED

MAR 1 5 2002

OFFICE OF PETITIONS

In re Application of
John A Greaves, Friedhelm Brinkhaus, and James E. Haworth

Application No. 09/206,458
Filed: December 7, 1998
Attorney Docket No. 4532670/6974
Title: METHOD FOR SIMULTANEOUS EXTRACTION OF ESSENTIAL OILS AND ANTIOXIDANTS FROM LABIATAE SPECIES AND THE EXTRACT PRODUCTS THEREOF

DECISION ON
RENEWED PETITION

This is a decision on the renewed petition[1] filed on January 4, 2002[2], pursuant to 37 C.F.R. §1.137(b)[3], to revive the above-identified application.

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 1.137(b)."

---

1 The original petition, filed on June 28, 2001, was dismissed in a decision mailed on October 9, 2001.
2 The renewed petition contains a certificate of mailing dated October 16, 2001.
3 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The original petition was dismissed for failure to submit the petition fee. As such, the petition was not considered on the merits. In the decision mailed October 9, 2001, it was indicated that the required petition fee was $1,240.00. This indicated amount was incorrect, since as of October 1, 2001, the fee has been raised to $1,280.00. The Office regrets this inaccuracy.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed November 22, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 23, 2001. A Notice of Abandonment was mailed on August 9, 2001.

Between the instant and the original petition, the petitioner has submitted $1,240.00 for the petition fee, included an amendment, and made the proper statement of unintentional delay.

The renewed petition is not grantable because requirements (1) and (2) above have not been satisfied.

Regarding the first requirement, Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[4]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(b)(1) (i.e., a Notice of Appeal (and fee required by law); an amendment that prima facie places the application in condition for allowance; a continuing application under 37 C.F.R. §1.53(b); a request for continuing examination under 37 C.F.R. §1.114, if applicable; or a 37 C.F.R. §1.129(a) submission, if applicable). The amendment received along with the original petition has been considered by the Examiner, but it failed to place the application in condition for allowance as the claims (as amended) raise new issues which would require further consideration.

Regarding the second requirement, as discussed above, an additional $40.00 will be required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

---

[4] See M.P.E.P. 711.03(c).

Telephone inquiries should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Paul Shanoski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 26

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES IA 50309-3993

COPY MAILED

SEP 1 9 2002

OFFICE OF PETITIONS

In re Application of
John A. Greaves, Friedhelm Brinkhaus, and
James E. Haworth
Application No. 09/206,458
Filed: December 7, 1998
Attorney Docket No. 4532670/6974
Title: METHOD FOR SIMULTANEOUS EXTRACTION OF ESSENTIAL OILS AND ANTIOXIDANTS FROM LABIATAE SPECIES AND THE EXTRACT PRODUCTS THEREOF

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the second renewed petition filed on September 16, 2002[1], pursuant to 37 C.F.R. §1.137(b)[2], to revive the above-identified application.

With the instant petition, petitioner has filed a Continued Prosecution Application (CPA), the associated fee, and the remaining deficiency with the issue fee. Petitioner has also submitted a four-month extension of time, to make timely this request[3].

The CPA has been accepted as the required reply under 37 C.F.R. §1.137(b)(1).

---

1 The original petition was filed on June 28, 2001, and dismissed via a decision mailed on October 9, 2001. The renewed petition was filed on January 4, 2002, and was dismissed via a decision mailed on March 15, 2002.

2 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

3 As the decision on the renewed petition set a period for response of two months, was mailed on March 15, 2002, and the instant petition was not faxed until September 16, 2002, a five month extension of time is required. The difference has been charged to petitioner's Deposit Account, as authorized in the petition.

As such, the second renewed petition is **GRANTED**.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing Application No. 09/206,458.

After this decision is mailed, the application will be forwarded to Technology Center 1600 for processing of the CPA filed with the instant petition.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Paul Shanoski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6051585
Issue Date: April 18,2000
Application No. 09206713
Filed: December 7,1998
Attorney Docket No. WEINR40077

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed March 31,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 31,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6051585	2000-04-18	09206713	1998-12-07	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
◉	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/robert r deleault/	Date (YYYY-MM-DD)	2010-03-31
Name	Robert R. Deleault	Registration Number	39165

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 17

Kent A. Herink
Davis Brown Koehn Shors & Roberts
The Financial Center, Suite 2500
666 Walnut Street
Des Moines, IA 50309

COPY MAILED

FEB 0 3 2003

OFFICE OF PETITIONS

In re Application of
Richard F. Allison et al.
Application No. 09/206,852
Filed: December 8, 1998
Attorney Docket No. 6550000028

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 23, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 30, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 31, 2000.

The application is being forwarded to Technology Center AU 1661 further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231-

Paper No. 12

MATTHEWS JOSEPH SHADDOX & MASON
1800 BERING DRIVE SUITE 900
HOUSTON, TX 77057

COPY MAILED

JAN 25 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Donald E. Mosing et al.
Application No. 09/206,876
Filed: December 8, 1998
Attorney Docket No. Frank's Int.-007:CP2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance mailed March 23, 2000, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 24, 2000.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned to the Publishing Division, Box Issue Fee, within ONE MONTH from the mail date of this decision.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 3600.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

William E. Johnson, Jr.
The Matthew Firm
1900 West Loop South, Suite 1800
Houston, TX 77027

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

THE MATTHEWS FIRM
1900 WEST LOOP SOUTH, SUITE 1800
HOUSTON, TX 77027

COPY MAILED

MAR 19 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Donald E. Mosing et al :
Application No. 09/206,876 :
Filed: December 8, 1998 :
Attorney Docket No. -007:CP2 :

ON PETITION

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2001, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to the Publishing Division.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

MAILED

JUN 2 6 2001

Office of the Director
Group 3600

UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

Henry L. Ehrlich
MATTHEWS, JOSEPH,
SHADDOX & MASON P.L.L.C.
P.O. Box 572957
Houston, Texas 77257-2957

In re Application of	:DECISION ON PETITION
Donald E. Mosing et al.	:TO MAKE APPLICATION
SERIAL NO: 09/206,876	:SPECIAL (APPLICANTS AGE)
FILED: December 08, 1998	:
FOR: IMPROVED METHOD AND MULTI-PURPOSE APPARATUS FOR DISPENSING AND CIRCULATING FLUID IN WELLBORE CASING	:

This is a decision on your petition submitted on December 08, 1998, to make the above referenced application special on the basis that applicant is over 65 years of age.

Any inconvenience to applicants caused by the delay in processing the petition is regretted.

The petition has been found to comply with all requirements of section 708.02, part IV of the Manual of Patent Examining Procedures, and will be **GRANTED** for that reason.

The Examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examiner such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if Petitioner makes a prompt bona fide effort, in response to each office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the Examiner to accomplish this purpose.

The application is being forwarded to the examiner for accelerated examination consistent with the provisions of section 708.02 of the MPEP.

Randolph A. Reese

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

AM: 06-06-01

9UNITED 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

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED

MAY 2 5 2006

OFFICE OF PETITIONS

In re Application of
Hinuma et al.
Application No. 09/207,168
Filed: December 7, 1998
Attorney Docket No. 48811
For: NOVEL PEPTIDES AND PRODUCTION AND USE THEREOF

: Decision on Petition for
: Patent Term Extension

The above-identified application has been forwarded to the undersigned for consideration on the "Petition For Review of Patent Term Extension Under 37 §§ CFR 1.181, 1.701(a)(1), 1.701(c)(1)(ii), and MPEP 2720" received on February 7, 2005, for an extension of the patent term for 856-days or 756-days due to delays in the Office for suspensions for a potential interference. Further requests or a request for reconsideration of this decision for patent term extension, must be filed under 37 CFR 1.182 or 37 CFR 1.183, and include the required fee, as 37 CFR 1.701 does not apply in this situation.

The petition under 37 CFR 1.181 is dismissed.

Petitioner notes that the above-identified application was filed on December 7, 1998, and allowed on November 7, 2005, but issuance was delayed due to suspensions in prosecution for a potential interference. Petitioner states that the application was initially suspended for 6-months for a potential interference on March 5, 2003[1], and a communication mailed by the Office on March 10, 2003. Petitioner states that the application was then suspended again in response to a status inquiry on January 29, 2004 and on October 19, 2004. Petitioner states that on July 7, 2005 a Final Rejection was initialed which was mailed on July 8, 2005, which in effect terminated the suspension of prosecution. Petitioner states that the Notice of Allowance and Issue Fee Due mailed on November 7, 2005, indicated that the application is eligible for a patent term extension of 331-days.

Petitioner asserts that prosecution in the application was suspended from March 5, 2003, until July 7, 2005, the date the suspension was terminated by the Final Rejection, which gives 856 days of patent term extension. Alternatively, Petitioner asserts that prosecution in the application was suspended from March 5, 2003, until May 8, 2005, the date the A/R record was closed and the application was forwarded to the Examiner according to PAIR, which gives 796 days of patent term extension. Petitioner asserts that under 37 CFR 1.701(c)(1)(ii), the patent term should be extended for either 856 or 796 days, not 331 days as indicated on the Notice of Allowance and Issue Fee Due.

[1] March 5, 2003 is the date of counting the Office Action reflected in PAIR, the date of the Office Action.

35 U.S.C. § 154(b)(as amended by the "Uruguay Round Agreements Act," enacted December 8, 1994, as part of Public Law 103-465) provides for patent term extension for appellate review, interference and secrecy order delays in applications filed on or after June 8, 1995 and before May 29, 2000. 35 U.S.C. § 154(b)(as amended by the "American Inventors Protection Act of 1999," enacted November 29, 1999, as part of Public Law 106-113) provides for patent term adjustment for these administrative delays and others in applications filed on or after May 29, 2000. The patent statute only permits extension of patent term based on very specific criteria. The Office has no authority to grant any extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

The above-identified application was filed on December 7, 1998. Accordingly it is entitled to patent term extension based upon the conditions in 35 U.S.C. § 154(b), in effect on June 8, 1995. The provisions of 35 U.S.C. § 154(b) in effect on May 29, 2000 do not apply, because the amended version of 35 U.S.C. § 154(b) only applies to applications filed on or after May 29, 2000. Pursuant to 35 U.S.C. § 154(b), in effect on June 8, 1995, an applicant can receive patent term extension only if there was an appellate review, interference or a secrecy order delays as set forth in the statute. While petitioner argues that patent term extension should be awarded to the above identified application, both 35 U.S.C. 154(b) and 37 CFR 1.701(c)(1) require an interference proceeding under 35 U.S.C. 135(a) to be eligible for patent term extension.

Petitioner argues that under 37 CFR 1.701(c)(1)(ii); the patent term extension should be 856 or alternatively 796 days for the delay due to the suspension in prosecution due to the interference. While prosecution in the application was suspended, the suspension was due to potential interference with applicants' application with other application(s), not to await the result of an interference in another application. As a result, the provisions of 37 CFR 1.701(c)(1)(ii) do not apply. The provisions of 37 CFR 1.701(c)(1)(ii) apply to suspensions by the Office due to interference proceedings under 35 U.S.C. 135(a), however, in this instance there was no interference proceeding. Therefore, petitioners' argument that he is entitled to patent term extension for the period of suspension under 37 CFR 1.701 is not persuasive.

The Notice of Allowance and Issue Fee Due mailed on November 7, 2005, incorrectly indicated that the patent to issue from the application 09/207,168 is eligible for a 331-day extension, where no extension is due. The patent, if issued, will include an indication that the patent term is extended by **(0) days**.

After mailing of this decision, the above-identified application will be returned to the Office of Publications.

Petitioner's deposit account has not been charged a petition fee.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/6/07

TO SPE OF : ART UNIT 1600

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/207,277 Patent No.: 6261535

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

JOHANN RICHTER
SUPERVISORY PATENT EXAMINER
GROUP 1600

SPE

1616
Art Unit

#28
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUN 25 2003

MAILED

JUN 25 2003

OFFICE OF THE DIRECTOR
TC 3600

Robert J. Crawford
Crawford PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120

In re Application of :
Michael R. Conboy et al. :
Application No. 09/207,282 :
Filed: December 8, 1998 :
For: MANAGEMENT OF MULTIPLE TYPES OF EMPTY CARRIERS IN AUTOMATED MATERIAL HANDLING SYSTEMS

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181(a) filed in the United States Patent and Trademark Office (USPTO) on March 26, 2003.

The petition is **GRANTED**.

A review of the application file reveals that a Final Office action was mailed to applicants on February 28, 2001. A Notice of Appeal was received on July 3, 2001. An Appeal Brief was received on September 6, 2001. A Notice of Abandonment mailed February 24, 2003, specified that the application had become abandoned because of applicants' failure to timely pay the statutory appeal fee.

In the petition applicants argue that the statutory fee for filing the appeal brief was presented on page 10 of the appeal brief. A further review of the application file reveals that a request to charge petitioner's deposit account in the amount of $310.00 was clearly authorized on this page. Thus, the application was prematurely held to be abandoned, since applicant clearly authorized the payment of the appeal brief.

Accordingly, the holding of abandonment is withdrawn and the application is restored to pending status. The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the abandonment, charge the fee for the appeal brief to petitioner's deposit account, before sending the application to the Examiner of record for consideration of applicant's request for reconsideration of the examiner's holding that the Reply Brief was untimely, dated September 25, 2002.

Steven Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/tpl: 6/19/03

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

ALEX RHODES
UNIT NO 9
50168 PONTIAC TRAIL
WIXOM MI 48393-2019

COPY MAILED

MAR 26 2007

OFFICE OF PETITIONS

In re Application of Berke, et al. Application No. 09/207,634 Filed: December 9, 1998	: : : : :	ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(a), filed January 25, 2007.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to reply to the final Office action mailed May 23, 2005. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on August 24, 2005. A Notice of Abandonment was mailed on December 14, 2005.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner 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 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent

person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2]

Petitioner argues that the Office action was mailed to the incorrect address. A review of the application file reveals the presence of a Change of Correspondence Address, filed on June 23, 2004, directing the Office to mail all future correspondence to Alex Rhodes, Unit No. 9, 50168 Pontiac Trail, Wixom Michigan, 48393-2019. However, the final Office action was mailed to the prior address of record.

In view of the above, it is concluded that petitioner has met his burden of establishing that the delay was unavoidable.

The application is being forwarded to Group Art Unit 3618 for re-mailing of the May 23, 2005 final Office action, setting a new period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 3

Mailed
JAN 6 2000
Director's Office
Group 2700

DR VINCENT CUERVO
1545 MILLER ROAD
CORAL GABLES , FL 33146-2309

In re application of:)
Vincent Cuervo)
Application No.: 09/207,854)
Filed: December 8, 1998)
For: INTERNET WEB SITE PROGRAM)
FOR THE PURCHASE, ISSUE AND)
DISPENSING OF DEBIT CARDS)

DECISION ON PETITION

This is a decision on the petition filed November 18, 1999, to make the above-identified application special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a Declaration from the applicant, Vincent Cuervo, stating that he is over 65 years of age.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and he or she should make a rigid search for such, he or she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide

effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he or she should consider such application simultaneously with this application and should state in the official letter of such application that she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2700
Communications & Information Processing
(703) 305-4710

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 18

Joseph Sofer
Sofer & Haroun
342 Madison Avenue
Suite 1921
New York, NY 10173

COPY MAILED

MAR 1 8 2002

OFFICE OF PETITIONS

In re Application of :
Yu Sung E. Yeh, et al. :
Application No. 09/207,954 :
Filed: December 9, 1998 :
Attorney Docket No. 733-003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed July 24, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 25, 2001.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on January 29, 2002.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $920.00 extension of time submitted with the petition on January 29, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2100, Art Unit 2162.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Frances Hicks for

Sherry Brinkley
Petitions Examiner

cc: Michael R. Casey, Ph.D.
1755 Jefferson Davis Highway
Suite 400
Arlington, VA 22202

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK I. GARDNER, DIM-LEE KWONG,
and H. JIM FULFORD JR.

MAILED
NOV 06 2003
U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2003-2079
Application No. 09/207,972

ON BRIEF

Before WALTZ, TIMM, and MOORE, Administrative Patent Judges.
WALTZ, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the primary examiner's final rejection of claims 16 through 21, 23, 30 and 31. The claims remaining in this application are claims 24 through 29, 32 and 33, which stand allowed by the examiner, and claim 22, which was objected to by the examiner as dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims (final Office action dated Nov. 19, 2002, Paper No. 16, page 3). We have jurisdiction pursuant to 35 U.S.C. § 134.

According to appellants, the invention is directed to a semiconductor device with a graded-K gate dielectric, including a low-trap-density nitrogen-containing oxide layer, with a gate conductor above the dielectric material, to yield favorable interface properties between the dielectric and the semiconductor substrate (Brief, page 3). Illustrative independent claim 16 is reproduced below:

16. A semiconductor device, comprising:

a low-trap-density nitrogen-containing oxide arranged upon an upper surface of a semiconductor substrate;

a high-K dielectric having a dielectric constant greater than about 5 arranged upon the nitrogen-containing oxide; and

a gate conductor arranged above the high-K dielectric.

The examiner relies upon the following references as evidence of obviousness:

Wu	5,880,508	Mar. 09, 1999
Chou	5,994,734	Nov. 30, 1999
Kizilyalli et al.	6,320,238 B1	Nov. 20, 2001

(Kizilyalli '238, filed Jun. 25, 1999; continuation-in-part of application No. 08/995,435 (Kizilyalli '435 application), filed on Dec. 22, 1997; provisional application No. 60/033,839, filed on Dec. 23, 1996)

Claims 16-19, 21, 23, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kizilyalli '238 in view of Wu (Answer, page 4). Claim 20 stands rejected under 35 U.S.C.

§ 103(a) as unpatentable over Kizilyalli '238 in view of Wu and Chou (*id.*). We *reverse* both of the examiner's rejections on appeal essentially for the reasons stated in the Brief and Reply Brief and those reasons set forth below. Furthermore, we *remand* this application to the jurisdiction of the examiner for action consistent with our remarks below.

OPINION

The examiner presents findings of fact and conclusions of law regarding Kizilyalli '238, Wu and Chou on pages 4-5 of the Answer. Appellants do not contest these findings or conclusions (see the Brief and Reply Brief in their entirety). The sole argument advanced by appellants is that the primary reference to Kizilyalli '238 "does not qualify as prior art" (Brief, pages 4-5; Reply Brief, pages 2-3). As noted by appellants, Kizilyalli '238 was filed on June 25, 1999, after the filing date of this application (Dec. 9, 1998), and is only available as prior art if the '238 patent is accorded the effective filing date of its parent, the Kizilyalli '435 application, filed on Dec. 22, 1997 (*id.*).

The examiner states that Kizilyalli '238 "has an effective filing date of December 22, 1997." Answer, page 5. The initial burden of establishing a *prima facie* case of obviousness, and thus establishing that the reference applied is available as prior art,

rests with the examiner. *See In re Oetiker,* 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The examiner states that whether the parent patent to Kizilyalli[1] supports the limitations of Kizilyalli '238 is "irrelevant" to the present claims (Answer, page 5). As correctly stated by appellants (Brief, page 4), this is clear error since, to be entitled to the filing date of the Kizilyalli '435 application, the claims of Kizilyalli '238 must be disclosed pursuant to 35 U.S.C. §§ 120/112 in this parent application. *See In re Wertheim,* 646 F.2d 527, 538-39, 209 USPQ 554, 565-66 (CCPA 1981)(Patent Office that wishes to utilize against applicant part of patent disclosure found in application filed earlier than date of application that became patent must demonstrate that earlier-filed application contains Sections 120/112 support for invention claimed in reference patent). *See also MPEP,* §2136.03, IV, 8th ed., Rev. 1, Feb. 2003; *cf., Ex parte Ebata,* 19 USPQ2d 1952, 1954 (Bd. Pat. App. & Int. 1991).

As also correctly stated by appellants, there are two limitations in the claims of Kizilyalli '238 that are not supported

[1]The Kizilyalli '435 application has now issued as U.S. Patent No. 6,548,854 B1 (the '854 patent). See the Answer, page 5, and the Reply Brief, page 3.

in the Kizilyalli '435 application (Brief, page 4).[2] The examiner has failed to establish where these two claimed limitations are supported, under sections 120/112, by the parent Kizilyalli application '435. Accordingly, the examiner has not established that Kizilyalli '238 should be accorded the effective filing date of Dec. 22, 1997. Therefore Kizilyalli '238 only has an effective filing date of June 25, 1999, and is not available as prior art to reject the claims on appeal. Thus we cannot sustain the examiner's rejections based on Kizilyalli '238.

The decision of the examiner is reversed.

REMAND

As discussed above, the Kizilyalli '435 application was issued as the '854 patent on Apr. 15, 2003 (Answer, page 5; Reply Brief, page 3). As stated by the examiner (Answer, page 6), the claimed subject matter on appeal is obvious over "the Kizilyalli parent patent" in combination with Wu and Chou. Appellants and the examiner have previously agreed that the effective filing date of the Kizilyalli '435 application (now the '854 patent) establishes

[2]These two limitations are found in claim 1 ("said dielectric material layer having an equivalent electrical thickness of 2.2 nm or less") and claim 11 ("an electrode disposed directly on said at least one layer of high-k dielectric material").

that this patent is available as prior art against the claims on appeal (Answer, page 5; Brief, page 4; Reply Brief, page 3). Accordingly, we *remand* this application to the jurisdiction of the examiner for appellants and the examiner to reconsider the patentability of the claimed subject matter in view of Kizilyalli '854, Wu and Chou. Prosecution must be reopened if any new ground of rejection is entered by the examiner. See 37 CFR § 1.193 (2000).

Appeal No. 2003-2079
Application No. 09/207,972

This application, by virtue of its "special" status, requires an immediate action, *MPEP* § 708.01, (D).

REVERSED & REMANDED

THOMAS A. WALTZ Administrative Patent Judge	)
CATHERINE TIMM Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
JAMES T. MOORE Administrative Patent Judge	)

TAW/jrg

Appeal No. 2003-2079
Application No. 09/207,972

Robert C. Kowert
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398

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 Patent No. 6126396
Issue Date: October 3,2000
Application No. 09208039
Filed: December 9,1998
Attorney Docket No. 13DV12729

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed November 5,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 5,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,126,396	2000-10-03	09/208,039	1998-12-09	13DV12729

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/mm52020/	Date (YYYY-MM-DD)	2008-11-05
Name	Mardson McQuay	Registration Number	52020

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

JOHN C. ALTMILLER
KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005-1257

COPY MAILED

MAY 1 7 2005

OFFICE OF PETITIONS

In re Application of	:	
Victor B. Lortz	:	
Application No. 09/208,064	:	ON PETITION
Filed: December 9, 1998	:	
Attorney Docket No. 2207-6018	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 24, 2004, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (3) above.

This application became abandoned for failure to timely reply to the non-final Office action mailed January 4, 2001, which set a three month shortened statutory period for reply. No extensions of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is April 5, 2001. A Notice of Abandonment was mailed on December 18, 2001.

Petitioner states that failure to timely reply was due to non-receipt of the January 4, 2001 Office action, as well as the Notice of Abandonment. As this application has been abandoned for an

inordinate period of time, the statement of unintentional delay must track the language set forth in 37 CFR 1.137(b)(3); i.e., "**the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.**"

Further, as this application became abandoned for failure to reply to a non-final Office action, the filing of a request for continued examination (RCE) under 37 CFR 1.114 was improper, as such a request can only be filed where prosecution has been closed. Accordingly, the RCE will not be processed and the fee submitted therefor will be credited to petitioner's deposit account in due course.

Additionally, extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

COPY MAILED

SEP 21 2005

OFFICE OF PETITIONS

KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
LORTZ	:	DECISION
Application No. 09/208,064	:	ON PETITION
Filed: December 9, 1998	:	
Attorney Docket No. 2207/6018	:	

This is a decision on a renewed petition under 37 CFR 1.137(b), filed June 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 4, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 5, 2001.

A subsequent communication, in the form of a second non-final action, was mailed to Applicant on August 30, 2004.[1] The examiner had no procedural authority with respect to this abandoned application on or after April 5, 2001. Lorenz v. Finkl, 333 F.2d 885, 891 142 USPQ 26, 30 (CCPA 1964). It follows that the examiner was without authority to have provided petitioner with an opportunity to ratify the belated communication filed December 28, 2004, pursuant to 37 CFR 1.135(c). Therefore, this application became abandoned on April 5, 2001 for failing to timely respond within the period set by the non-final action dated January 4, 2001. Nonetheless, the non-final office action dated August 30, 2004 is substantially identical to the non-final office action dated October 1, 2001, and in effect, petitioner's reply filed with the renewed petition in the form of an Amendment has responded to the non-final action dated January 4, 2001.

Thus, the petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final action of October 4, 2001 is accepted as having been unintentionally delayed.

The second petition fee charged of $1500 was unnecessary and will be refunded to petitioner's deposit account as requested in the renewed petition.

Additionally to complete petitioner's records, a courtesy copy of the non-final action dated January 4, 2001 has been included with this decision.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

---

[1] This non-final action has not been scanned. PALM entry labels this correspondence "MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT."

The application matter is being forwarded to Technology Center Art Unit 2611.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions

Enc: Office Action dated 1/04/01
Notice of Reference cited (PTO-892)
Notice of Draftsperson's Patent Drawing Review (PTO-948)

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

LOUIS H REENS
ST ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD CT 06905-5619

In re Application of:
Lemont, Andrew I. et al
Serial No.: 09/208,185
Filed: Dec. 9, 1998
Docket: 01634-P0026C
Title: ACTIVE HEAT SINK STRUCTURE WITH FLOW AUGMENTING RINGS AND METHOD FOR REMOVING HEAT

Decision on Petition

This is a decision on the petition filed September 18, 2000 requesting the holding of abandonment mailed July 17, 2000 be withdrawn. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required.

The petition is dismissed.

The application was held abandoned for failure to timely respond to the Office Action mailed on Dec. 10, 1999. Notice of abandonment was mailed on Jul. 17, 2000.

The application was held abandoned for failure to timely and properly reply to the FINAL Office action mailed Dec. 10, 1999. The Office Action set a three (3) month statutory period for reply. On Jun. 12, 2000 with a certificate of mailing dated Jun. 8, 2000, the applicant filed a response with a terminal disclaimer to obviate the obviousness-type double patenting rejection and thereby the final rejection. However, the terminal disclaimer filed on Jun. 12, 2000 was not approved because the filing date was incorrectly stated. The applicant was advised such error in the advisory action of Jun. 23, 2000. On Jul. 14, 2000, the applicant filed a corrected terminal disclaimer. Subsequently, the notice of abandonment was sent on Jul. 17, 2000 because the proper terminal disclaimer was filed outside of the six month time period after the final rejection (35 U.S.C. 133[1]). The present application became abandoned on Jun. 11, 2000. Notice of abandonment was mailed on Jul. 17, 2000.

[1] 35 U.S.C. 133 Time for prosecuting application. Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable

Petitioner asserts that the terminal disclaimer was proper on its face since the application number was correctly identified. The filing date of the patent application in question was correctly identified in the caption part of the disclaimer, which was drafted in compliance with PTO/SB/26B. This argument is not persuasive because the body of the terminal disclaimer clearly provided a filing date reads "998/12/09" which is incorrect. Therefore, it was unacceptable. Petitioner further argues that it seems unfair to punish applicants for something that cannot be even characterized as a clerical mistake since there is no established standard with which the terminal disclaimer should comply. The standard of terminal disclaimer is clearly laid out in the USPTO Form PTO/SB/25. The body of the terminal disclaimer is the heart of the document. This is the reason that it is so critical to provided correct information in a terminal disclaimer to obviate the rejection stated in the Office action of Dec. 10, 1999. The alleged punishment has nothing to do with the abandonment. The reason the case is held abandoned is based on the statute of 35 U.S.C. 133.

As the applicant has not timely filed a correct terminal disclaimer to the Office action of Dec.. 10, 1999, the abandonment remains. This application became abandoned in accordance 35 U.S.C. 133.

In view of the above, the holding of abandonment notice mailed July 17, 2000 remains. The applicant may wish to consider filing a petition to revive under 37 CFR § 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner at (571)-272-4856

PETITION DISMISSED

Karen M. Young

Karen M. Young, Director
Technology Center 3700

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

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Andrew I. Lemont, et. al.	:	
Application No. 09/208,185	:	ON PETITION
Filed: December 9, 1998	:	
Attorney Docket No. 01634-P0026C	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on April 9, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper response to the final Office action mailed December 10, 1999. A Notice of Abandonment was mailed on July 17, 2000.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Richard J. Basile appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected terminal disclaimer under 37 CFR 1.321; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3743 for further processing.

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

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

In re Patent No. DAL SANTO, JOHN P.	:	
Issue Date: February 8, 2000	:	**DECISION GRANTING**
Appl No.: 09/208,884	:	**PETITION**
Filed: December 10, 1998	:	*37 CFR 1.324*
For: CORRECTION OF INVENTORSHIP	:	
	:	
	:	
	:	

This is a decision on the petition filed 4/2/04 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Angela D. Sykes

Angela Sykes
Supervisory Patent Examiner
Art Unit 3762
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 2 4 2003

Technology Center 2100

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 10

Michael A. Diener
Hale and Dorr
60 State Street
Boston, MA 02109

In re Application of: Abramson et al. Application No.: 09/209,015 Filed: December 10, 1998 For: SYSTEM AND METHOD FOR AUTOMATIC MAPPING OF HYPERTEXT INPUT FIELDS TO SOFTWARE COMPONENTS	**DECISION ON PETITION TO ACCEPT CORRESPONDENCE AS TIMELY FILED UNDER 37 CFR §1.8(b)**

This decision is in response to the communication filed January 17, 2003, requesting withdrawal of the holding of abandonment. The request is being treated as a petition under 37 CFR §1.8(b) to accept correspondence as timely filed.

This application was held abandoned for failure to file a response in a timely manner to the Office action mailed on April 19, 2002 (Paper No. 6). A Notice of Abandonment was mailed on October 21, 2002 (Paper No. 7).

Issues

In support of the petition, Mr. Michael Diener has provided the following: (1) a statement by Mr. Diener, the attorney of record, that refers to the facsimile transmission of a Notice of Appeal with extension of time and fee on October 18, 2002, (with the Notice of Appeal containing the incorrect notation of October 18, 2001), (2) a copy of the Notice of Appeal, petition for extension of time and certificate of facsimile transmission; and (3) a supplemental statement from Ms. Jody Begley, filed on February 4, 2003, personally attesting to the facsimile transmission on October 18, 2002. Petitioners also provided a copy of the sender's transmittal report showing three (3) pages were transmitted to (703) 746-7239 on October 18, 2002. Ms. Begley's statement was requested via a telephone request because the certificate of facsimile transmission for the October 18, 2002 papers omitted any reference to the application number for which the papers were being filed and to satisfy the condition of the personal knowledge statement of the transmission necessary under 37 CFR § 1.8(b).

Mr. Diener makes reference in his petition to a "statutory time period of six months" being set in the Office action of April 19, 2002 and "the PALM system shows that an abandonment was entered October 18, 2002, before the due date."

Decision

While petitioners state the abandonment was entered before the due date, in fact the mailing date of the Notice of Abandonment was October 21, 2002. The copy of the Notice of Abandonment provided by petitioners omits the cover page which included applicants' address and mailing date of October 21, 2002. In addition it should be noted, the final rejection mailed April 19, 2002 set a shortened statutory period of ***three months***. Therefore, absent receipt of any papers or petitions for extension of time, the application was in fact abandoned on ***July 19, 2002***. Therefore, Mr. Diener's remarks regarding the premature nature of the mailing of the Notice of Abandonment are without merit.

In regards to petitioners' original submission. The papers provided did not fully comply with 37 CFR § 1.8. The format for the certificate of transmission did not comply with the guidelines set forth in MPEP § 512, "Procedure by Applicant." Specifically, the certification filed on October 18, 2002 did not appear on the papers being submitted (the Notice of Appeal or the Extension of Time Request). The separate sheet failed to fully identify the application number and filing date of the application. In addition, petitioners did not provide a copy of the Office "Auto Reply Facsimile Transmission" which should be generated on all official faxes received successfully in the Office. Such proof would have served as *prima facie* evidence of receipt of the item in the USPTO – parallel to the treatment of the return post card practice for mailed correspondence. (See USPTO web site notice, "Patent Customers Advised to FAX Communications to USPTO" dated November 2, 2001.) A search of the database for faxes received in the Technology Center for the period of time in question did not reveal the receipt of applicants' submissions. Therefore, applicants' correspondence could not be held to be timely filed under 37 CFR § 1.8(a).

In considering petitioners' submission under 37 CFR § 1.8(b), the correspondence can be considered timely filed if petitioners meet at least three conditions:

> (1) Informs the Office of the previous mailing or transmission of the correspondence **promptly** after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

[Emphasis added.]

The petitioners' evidence with supplement establishes that a timely response was, in fact, filed in response to the Office action of April 19, 2002 (Paper No. 6) on October 18, 2002. However, because the petition was filed more than two months after the mail date of the Notice of

Abandonment, the petition is being dismissed as being untimely under 37 CFR § 1.8(b)(1) and §1.181(f). 37 CFR § 1.181(f) states:

> (f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

MPEP § 711.03(c) suggests the Office may treat an untimely petition to withdraw the holding of abandonment on its merits on the condition that a terminal disclaimer accompanies the petition. Therefore, a terminal disclaimer accompanied by appropriate fee is required in compliance with 37 CFR § 1.181(f) and MPEP 711.03(c).

Mr. Diener was notified on February 19 and 20, 2003 that the filing of a terminal disclaimer with appropriate fee would resolve the issue of the filing of an untimely petition, but he declined to submit the necessary paperwork due to his position that the all papers were in fact timely filed and that the application was not properly abandoned.

Therefore, the petition is **DISMISSED** as untimely. In the event that petitioners submit the terminal disclaimer and fee, applicants are advised the period for reply will continue to run from the filing date of the Notice of Appeal which was October 18, 2002.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-0269.

Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAILED

MAR 3 1 2003

Technology Center 2100

Paper No. 13

Michael A. Diener
Hale and Dorr
60 State Street
Boston, MA 02109

In re Application of: Abramson et al. Application No.: 09/209,015 Filed: December 10, 1998 For: SYSTEM AND METHOD FOR AUTOMATIC MAPPING OF HYPERTEXT INPUT FIELDS TO SOFTWARE COMPONENTS	**DECISION ON PETITION TO ACCEPT CORRESPONDENCE AS TIMELY FILED UNDER 37 CFR §1.8(b)**

This decision is in response to the communication filed March 11, 2003, renewing the request for withdrawal of the holding of abandonment. The request is being treated as a petition under 37 CFR §1.8(b) to accept correspondence as timely filed.

This application was held abandoned for failure to file a response in a timely manner to the Office action mailed on April 19, 2002 (Paper No. 6). A Notice of Abandonment was mailed on October 21, 2002 (Paper No. 7). The original petition was dismissed as untimely and for petitioners' failure to file a terminal disclaimer along with the appropriate fee.

Issues

In the request for reconsideration, petitioners have provided a terminal disclaimer along with an authorization to charge any fee to Deposit Account No. 08-0219.

In addition, petitioners' representative has continued the dialogue concerning "who did what, when" which remains moot to the fundamental issue of whether applicants filed a timely response and whether the original petition was timely filed. Mr. Diener's footnote is duly noted that while the original submission omitted the cover sheet from the USPTO that would have shown the mail date of October 21, 2002, he did include a statement to that effect on page 1 of the "Request to Withdraw Abandonment." There was no intention to suggest the "submission was misleading."

Mr. Diener states, "someone from the Patent Office called and said that the correspondence was being rejected because the application had already been abandoned." This "event" appears to be

salient to Mr. Diener's contention that the "correspondence sent on October 18, 2002 was wrongfully rejected because the application had been wrongfully abandoned."

Decision

Mr. Diener's statements regarding correspondence being rejected and any record of a telephone call are not supported in the file record. There is no indication through an interview summary or otherwise that someone from the USPTO called Mr. Diener regarding correspondence being rejected because the application was abandoned. Since Mr. Diener has not provided a name or date of this event, further investigation cannot be made. While papers may be "not entered" in a procedural sense, the Office policy is to physically match papers to the file if they are received no matter what the current status of the application.

However, the more interesting point concerns what correspondence might have been the subject of such a highly unusual telephone call. A review of the file shows that until the petition was submitted on January 17, 2003, ***there had been no correspondence in the file from applicants since the filing of applicants' amendment with a certificate of mailing dated October 22, 2001.*** So it may forever remain a mystery as to what correspondence may have prompted the telephone call. There is no support in the file for Mr. Diener's contention that any correspondence was "wrongfully rejected."

Since there was no evidence of a paper filed along with any appropriate extensions of time in response to the final rejection mailed April 19, 2002 (until the evidence submitted on January 17, 2003 with the petition), the application was in fact abandoned at the end of the shortened statutory period of three months set in the final rejection which would have been July 19, 2002. Therefore, Mr. Diener's remarks regarding the premature nature of the mailing of the Notice of Abandonment are without merit and continue to be moot.

The previous petition decision addressed the applicants' original facsimile process. However, since the original facsimile has never been located, the matter was only raised to suggest to petitioners' representative how to handle future facsimile transmissions to ensure compliance with Office practice.

Regarding petitioners' delay in filing the original petition, the Office can only rectify errors if the papers are found in the file. As stated above, no correspondence relating to any filing on October 18, 2002 had ever been matched to the case until the petition was filed, so the examiner could not create non-existent documents. In the end, even if the examiner had notified applicants that the Notice of Appeal and extension of time were missing, applicants would still have needed to file a petition requesting the papers to be accepted as timely filed since the papers were being filed on the six month date.

The paper submitted in January 2003 supplemented with a statement on February 4, 2003 along with the terminal disclaimer submitted with this request for reconsideration, now meet the conditions necessary to consider the papers as timely filed as of October 18, 2002. The request for reconsideration is granted. The holding of abandonment is withdrawn.

The period for reply will continue to run from the filing date of October 18, 2002 for the Notice of Appeal. The application is being forwarded to the Technical Support staff for processing of the withdrawal of the holding of abandonment and thereafter will be sent to Technology Center 2100 Central Files to await any further filing from applicants which should be accompanied by the appropriate extensions of time and appropriate fees.

Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 308-0269

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,222,531	2001-04-24	09/209,017	1998-12-10	ACER-45645

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
◉	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Aaron A. Fishman/	Date (YYYY-MM-DD)	2009-07-14
Name	Aaron A. Fishman	Registration Number	44682

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6222531
Issue Date: April 24,2001
Application No. 09209017
Filed: December 10,1998
Attorney Docket No. 450.189US2

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed July 14,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 14,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

GREGORY M DOUDNIKOFF
IBM CORP IP LAW DEPT T81 B062
3039 CORNWALLIS ROAD
P O BOX 12195
RESEARCH TRIANGLE PARK NC 27709-2195

COPY MAILED
SEP 22 2008
OFFICE OF PETITIONS

In re Application of	:	
Flenley, et al.	:	DECISION ON PETITION
Application No. 09/209,124	:	
Filed: December 10, 1998	:	
Atty. Dkt. No.: UK9-98-048	:	

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 13, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED AS UNTIMELY**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from 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 1.181." This is not a final agency decision.

This application became abandoned November 30, 2000 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed August 29, 2000. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 23, 2001.

Petitioners allege that a reply to the Notice was timely filed November 27, 2000 and have provided supporting documentation in support thereof.

In accordance with 37 CFR 1.181(f), any petition under 37 CFR 1.181 "not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable."

The Notice of Abandonment was mailed March 23, 2001. The instant petition was filed April 13, 2006, more than five years after the Notice of Abandonment was mailed. Petitioners, however,

provide no explanation for the delay in the submission of the petition.

In view thereof, the petition is deemed untimely submitted.

Any renewed petition must be accompanied by a detailed explanation of the delay in submission of the petition to withdraw the holding of abandonment.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Best Available Copy

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
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

GREGORY M DOUDNIKOFF
IBM CORP IP LAW DEPT T81 B062
3039 CORNWALLIS ROAD
P O BOX 12195
RESEARCH TRIANGLE PARK NC 27709-2195

COPY MAILED
DEC 17 2008

In re Application of	:
Flenley, et al.	: DECISION ON PETITION
Application No. 09/209,124	:
Filed: December 10, 1998	:
Atty. Dkt. No.: UK9-98-048	:

This decision is in response to the petition renewed under 37 CFR 1.137(b) filed November 24, 2008.

The petition under 37 CFR 1.137(b) to withdraw the holding of abandonment is hereby **GRANTED**.

This application became abandoned November 30, 2000 for failure to timely submit a proper reply to the Notice of Allowability Notice mailed August 29, 2000. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 23, 2001. A petition under 37 CFR 1.181 was filed April 19, 2006 and dismissed September 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and the publication fee, (2) the required petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

This application is being forwarded to the Office of Data Management for further processing.

Alesia M. Brown
Petitions Attorney
Office of Petitions

MAILED

SEP 1 1 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

UNITED STATES PATENT & TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

Vincent M. DeLuca
Rothwell, Figg, Ernst & Manbeck P.C.
1425 K Street, N.W.
Suite 800
Washington, DC 20005

Paper No. 24

In re Application of Robert A. Ferstenberg et al. Application No. 09/209,815 Filed: December 11, 1998 For: COMPUTER METHOD AND SYSTEM FOR INTERMEDIATE EXCHANGE OF COMMODITIES	DECISION ON PETITION UNDER 37 C.F.R. 1.181(a)(3) TO WITHDRAW FINALITY

This is in response to applicant's Petition filed on July 31,2002, requesting withdrawal of the finality of the Office action mailed May 3, 2002 as being premature.

The petition is **GRANTED.**

Petitioner alleges that the final rejection dated May 3, 2002 was premature since this Office action contained a new grounds of rejection not necessitated by either applicant's amendment or by new information submitted in an information disclosure statement.

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97 (c) with the fee set forth in 37 C.F.R. 1.17(p).

A review of the record indicates that in the final rejection dated May 3, 2002, claims 139 and 147 were rejected under the second and fourth paragraphs of 35 USC 112 and under 35 USC 101 which rejections were not in response to an amendment or new prior art submitted by applicant.

Accordingly, the finality of the May 3, 2002 Office action, but not the action itself, is hereby vacated. The Office action dated May 3, 2002 is now considered to be non-final with the shortened statutory period of THREE (3) MONTHS set in the Office action.

On June 14, 2002 applicant submitted an amendment and response to the May 3, 2002 rejection. This response will be entered and treated as a response to the non-final rejection mailed May 3, 2002.

This application will be forwarded to the examiner for consideration of the amendment and response.

Summary: ***Petition Granted***

John J. Love, Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No.: (703) 306-4597
EWS 9/8/02

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
FROM DIRECTORS OFFICE

FEB 03 2005

TECHNOLOGY CENTER 3600

Vincent M. DeLuca
Rothwell, Figg, Ernst & Manbeck, P.C.
1425 K Street, NW
Suite 800
Washington, DC 20005

In re Application of Robert A. Ferstenberg et al. Application No. 09/209,815 Filed: December 11, 1998 For: COMPUTER METHOD AND SYSTEM FOR INTERMEDIATED EXCHANGE OF COMMODITIES	DECISION ON PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW THE OBJECTION TO CLAIMS UNDER 37 CFR 1.75(c)

This is a decision on the petition under 37 CFR 1.181(a) filed November 18, 2004, for withdrawal of the objection to claims 127, 128, 139, 146, and 147 under 37 CFR 1.75(c) in the Office action mailed November 12, 2004.

Petitioner alleges that the objection to claims 127, 128, 139, 146, and 147 under 37 CFR 1.75(c) as being of improper dependent form is improper.

MPEP 608.01(n)(II) states in part that "Any claim which is in dependent form but which is so worded that it, in fact is not, as, for example, it does not include every limitation of the claim on which it depends, will be required to be canceled as not being a proper dependent claim; and cancelation of any further claim depending on such a dependent claim will be similarly required. Where a claim in dependent form is not considered to be a proper dependent claim under 37 CFR 1.75(c), the examiner should object to such claim under 37 CFR 1.75(c) and require cancellation of such improper dependent claim or rewriting of such improper dependent claim in independent form. See Ex parte Porter, 25 USPQ2d 1144, 1147 (Bd. of Pat. App. & Inter. 1992) (A claim determined to be an improper dependent claim should be treated as a formal matter, in that the claim should be objected to and applicant should be required to cancel the claim (or replace the improper dependent claim with an independent claim) rather than treated by a rejection of the claim under 35 U.S.C. 112, fourth paragraph.). The applicant may thereupon amend the claims to place them in proper dependent form, or may redraft them as independent claims, upon payment of any necessary additional fee."

MPEP 608.01(n)(III) sets forth the "Infringement Test" used in making this determination. "The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim. A dependent

claim does not lack compliance with 35 U.S.C. 112, fourth paragraph, simply because there is a question as to (1) the significance of the further limitation added by the dependent claim, or (2) whether the further limitation in fact changes the scope of the dependent claim from that of the claim from which it depends. The test for a proper dependent claim under the fourth paragraph of 35 U.S.C. 112 is whether the dependent claim includes every limitation of the claim from which it depends. The test is not one of whether the claims differ in scope. Thus, for example, if claim 1 recites the combination of elements A, B, C, and D, a claim reciting the structure of claim 1 in which D was omitted or replaced by E would not be a proper dependent claim, even though it placed further limitations on the remaining elements or added still other elements. Examiners are reminded that a dependent claim is directed to a combination including everything recited in the base claim and what is recited in the dependent claim. It is this combination that must be compared with the prior art, exactly as if it were presented as one independent claim. The fact that a dependent claim which is otherwise proper might relate to a separate invention which would require a separate search or be separately classified from the claim on which it depends would not render it an improper dependent claim, although it might result in a requirement for restriction. The fact that the independent and dependent claims are in different statutory classes does not, in itself, render the latter improper. Thus, if claim 1 recites a specific product, a claim for the method of making the product of claim 1 in a particular manner would be a proper dependent claim since it could not be infringed without infringing claim 1. Similarly, if claim 1 recites a method of making a product, a claim for a product made by the method of claim 1 could be a proper dependent claim. On the other hand, if claim 1 recites a method of making a specified product, a claim to the product set forth in claim 1 would not be a proper dependent claim since it is conceivable that the product claim can be infringed without infringing the base method claim if the product can be made by a method other than that recited in the base method claim."

Another way to think of it is - if you can infringe the dependent claim without infringing the independent claim, then the dependent claim is an improper dependent claim because it does not require all the limitations of the independent claim. Analyzing the claims objected to by the Examiner, one sees that they all fail this "infringement test."

Independent claims 116, 129 and 140 each claim "a computer implemented method" and goes on to recite the steps performed by the method as claim limitations.

Claim 127 recites a "computer system" and includes a limitation that "one or more memories accessible by the processors and storing program instructions for causing the processors to perform the method of claim 116." Applying the infringement test, what is needed to infringe claim 127 is, for example, a computer having one or more processors, one or more links, and one or more memories containing program instructions that if and when executed would cause the computer to do the generating electronic opening messages, generating electronic offer messages, generating electronic counter-offer messages, and repeating steps. However, such a computer would **not** infringe the method steps of claim 116 since the computer itself never performs any of the active steps of generating electronic opening messages, generating electronic offer messages, generating electronic counter-offer messages, and repeating required by the method. In other words, mere possession of such a computer would infringe claim 127, but this is not enough to infringe claim 116. As a result, claim 127 is an improper dependent claim.

Claim 128 recites a "computer readable medium having stored therein encoded computer-executable instructions for causing a computer to perform the method of claim 116". Applying the infringement test, what is needed to infringe claim 128 is, for example, a CD-ROM having computer executable

instructions that if and when executed would cause a computer to do the generating electronic opening messages, generating electronic offer messages, generating electronic counter-offer messages, and repeating steps. However, such a CD-ROM would **not** infringe the method steps of claim 116 since the CD-ROM itself never performs any of the active steps of generating electronic opening messages, generating electronic offer messages, generating electronic counter-offer messages, and repeating required by the method. In other words, mere possession of such a CD-ROM would infringe claim 128, but this is not enough to infringe claim 116. As a result, claim 128 is an improper dependent claim.

Claim 139 recites a "computer readable medium having stored therein encoded computer-executable instructions for causing a computer to perform the method of claim 129". Applying the infringement test, what is needed to infringe claim 139 is, for example, a CD-ROM having computer executable instructions that if and when executed would cause a computer to do the receiving from participants electronic opening messages and electronic counter-offer messages, generating electronic offer messages, and repeating steps. However, such a CD-ROM would **not** infringe the method steps of claim 129 since the CD-ROM itself never performs any of the active steps of receiving from participants electronic opening messages and electronic counter-offer messages, generating electronic offer messages, and repeating required by the method. In other words, mere possession of such a CD-ROM would infringe claim 139, but this is not enough to infringe claim 129. As a result, claim 139 is an improper dependent claim.

Claim 146 recites a "computer system" and includes a limitation of "a memory accessible by the processor and storing program instructions for causing the processor to perform the method of claim 140. Applying the infringement test, what is needed to infringe claim 146 is, for example, a computer having a processor and a memory containing program instructions that if and when executed would cause the computer to do the generating an electronic opening message, receiving an electronic offer message, and generating one or more electronic counter-offer messages steps. However, such a computer would **not** infringe the method steps of claim 140 since the computer itself never performs any of the active steps of generating an electronic opening message, receiving an electronic offer message, and generating one or more electronic counter-offer messages required by the method. In other words, mere possession of such a computer would infringe claim 146, but this is not enough to infringe claim 140. As a result, claim 146 is an improper dependent claim.

Claim 147 recites a "computer readable medium having stored therein encoded computer-executable instructions for causing a computer to perform the method of claim 140". Applying the infringement test, what is needed to infringe claim 147 is, for example, a CD-ROM having computer executable instructions that if and when executed would cause a computer to do the generating an electronic opening message, receiving an electronic offer message, and generating one or more electronic counter-offer messages steps. However, such a CD-ROM would **not** infringe the method steps of claim 140 since the CD-ROM itself never performs any of the active steps of generating an electronic opening message, receiving an electronic offer message, and generating one or more electronic counter-offer messages required by the method. In other words, mere possession of such a CD-ROM would infringe claim 147, but this is not enough to infringe claim 140. As a result, claim 147 is an improper dependent claim.

The Examiner's objection of claims 127, 128, 139, 140, and 147 under 37 CFR 1.75(c) as being of improper dependent from is correct and consistent with Office policy and practice. Accordingly, the Petition is **DENIED**.

If the petitioner desires further review of the Director's Decision, applicant should consider filing a Petition for Review of the Director's Decision under 37 CFR §1.181(a)(3).

Summary: ***Petition Denied***

John J. Love, Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No.: (703) 306-4597
EWS 1/24/05

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

MFH

Mailed: NOV 1 2000

Paper Number 15

In re application of
BAHAR et al.
Serial No. 09/209,932
Filed: July 8, 1998
For: ULTRA-THIN INTEGRAL COMPOSITE MEMBRANE

DECISION ON PETITION

This is in response to the REQUEST TO WITHDRAW NOTICE OF ABANDONMENT filed September 20, 2000. It is being treated as a PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 1, 2000, for failure to timely file a proper response to the Office letter mailed on January 21, 2000, be withdrawn since the applicants did timely file a response thereto on July 21, 2000. (A copy of the AMENDMENT and four terminal disclaimers filed July 21, 2000 are attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response (the paper entitled Amendment and four terminal disclaimers) was properly filed on July 21, 2000 as evidenced by the copy of the USPTO date stamped return receipt postcard, attached to the REQUEST, indicating receipt of the response at the USPTO on July 21, 2000. Accordingly, any holding of abandonment for failure to timely file a proper response to the Office letter mailed on January 21, 2000 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry and processing of the response originally filed July 21, 2000 and consideration thereof.

The Petition is **GRANTED**.

Jerome W. Massie, Director (Acting)
Technology Center 1700
Chemical and Materials Engineering

DENA MEYER WEKER
W L GORE & ASSOCIATES INC
551 PAPER MILL ROAD
NEWARK , DE 19714-9206

UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: OCT -7 2002

Paper No.: 24

In re application of
Bamdad BAHAR et al.
U.S. Patent No. 6,254,978
Issued: July 3, 2001
Application Number: 09/209,932
Filed: July 8, 1998
For: ULTRA-THIN INTEGRAL COMPOSITE MEMBRANE

DECISION ON PETITION

This is a decision on the petition filed on May 14, 2002 to correct inventorship in a patent under 37 CFR 1.324. On May 7, 2001, the petitioner filed a REQUEST to correct the inventorship under 37 CFR 1.48(a)(a) requesting that Robert S. Mallouk be added as an inventor. However, that REQUEST was not acted upon before the pending application became a patent. Thus, as set forth in MPEP 1481, that REQUEST is being treated herein as a petition under 37 CFR 1.324.

Decision

Applicants are deemed to have fulfilled the requirements under 37 CFR 1.324 in that the petition is accompanied by: (1) Statements from the currently named inventors, including the inventor whose name is being added, agreeing to the change of inventorship and that the error in inventorship occurred without deceptive intent; (2) A statement from the assignee of the parties submitting statements under (1) above agreeing to the change of inventorship in the patent in compliance with 37 CFR 3.73(b); and (3) the fee set forth in 37 CFR 1.20(b).

The petition is **GRANTED**.

The file is being forwarded to Certificate of Corrections Branch for Issuance of a certificate adding Robert S. Mallouk as an inventor.

Blaine R. Copenheaver, Jr., SPrE
Technology Center 1700
Chemical and Materials Engineering

Michael S. Marcus
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, NY 10154

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

FISH & RICHARDSON
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

COPY MAILED

FEB 5 2002

OFFICE OF PETITIONS

In re Application of
Michael Kaplinsky
Application No. 09/209,982
Filed: December 9, 1998
Attorney Docket No. 08305/050001

NOTICE

This is a notice regarding your 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**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 2612.

Wan Layton
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 8

FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO CA 92122

MAIL

JAN 3 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:

09/209,982

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

Further communications will be directed to the address listed below until such a time as applicant properly notifies the Patent and Trademark Office of a change of address. This address has been provided by the withdrawing attorney(s).

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

cc: Micron Technology, Inc.
C/o Tom D'Amico
Dickstein, Shapiro, Moran & Oshinsky
2101 L Street NW
Washington DC 20037-1526

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/26/2010

Applicant	: MICHAEL KAPLINSKY	: DECISION ON REQUEST FOR
Patent Number	: 7570282	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 09/209,982	: OF WYETH
Filed	: 12/09/1998	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

Paper No.

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

COPY MAILED

JUL 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Lorincz et al.	:	DECISION ON
Application No. 09/210,031	:	PETITION
Filed: December 11, 1998	:	
Atty Docket No. 2629-4005US1	:	
	:	

This is a decision on the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed April 5, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred twenty-nine (129) days to two hundred sixty-three (263) days.

The application for patent term adjustment is **DISMISSED**.

However, for the reasons set forth herein, correction of the patent term adjustment at the time of the mailing of the notice of allowance is required. The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is ninety-nine **(99)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 1, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 129 days. On April 5, 2005, applicants timely submitted the instant application for patent

term adjustment[1]. Applicants contend that the period of adjustment for Office delay should be 263 days rather than 129 days. Specifically, applicants argue that in view of the withdrawal of the finality of the Office Action dated October 10, 2003 and under 37 C.F.R. § 1.703(a)(2), the period of adjustment of patent term due to examination delay should be the number of days in the period beginning on the day after the date that is four months after the RCE was filed (i.e. December 27, 2003) and ending on the date of mailing of the non-final rejection (i.e. September 15, 2004).

Applicants' argument is not well taken. Pursuant to 37 C.F.R. § 1.702(a),

> Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
>
> ....
>
> (2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

On October 10, 2003, the Office mailed a final rejection in response to, and within four months of, applicants' filing of a request for continued examination (RCE) on August 27, 2003. Thus, there was no examination delay within the meaning of § 1.702(a)(2). The October 10, 2003 date was the proper date to use in calculating Office delay. The subsequent mailing of a non-final Office action withdrawing the finality of the final rejection does not negate the fact that the Office responded within four months to the filing of the RCE. Furthermore, it is noted that the finality of the Office action was withdrawn only because the status of claim 50 was improperly listed as allowed on the Office action summary.

However, a review of the application history does reveal a basis for entry of a period of reduction for applicant delay.

---

[1] PALM records indicate that the Issue Fee payment was received on April 29, 2005.

Specifically, applicants took in excess of three months to file a response to the final rejection mailed April 28, 2003. The responsive RCE was filed on August 27, 2003, three months and 30 days later. Pursuant to § 1.704(b), a period of reduction of 30 days is entered.

The determination of patent term adjustment at the time of the mailing of the Notice of Allowance is ninety-nine (99) days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Karin A Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Updated PAIR Screen

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

Paper No.

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

COPY MAILED

OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Lorincz et al.	:	
Application No. 09/210,031	:	DECISION ON
Filed: December 11, 1998	:	REQUEST FOR REFUND
Atty Docket No. 2629-4005US1	:	
	:	

This is in response to the request for refund, filed April 5, 2005, which is being treated under the provisions of 37 CFR 1.26.

The request for refund is **DISMISSED**.

A final rejection was mailed in the above-identified application on October 10, 2003. This Office action set a three-month shortened statutory period for response, with extensions of time obtainable under § 1.136(a). In response, on January 9, 2004, applicants timely filed a Notice of Appeal.

37 CFR § 1.26 Refunds.

> The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.

The petition was filed promptly. However, the record does not support a conclusion that the appeal fee was paid by mistake or in excess of that required within the meaning of 37 CFR 1.26.

The instant application was under final rejection. A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned. To avoid abandonment of the application, applicants chose to file a Notice of Appeal (with the required fee). Applicants' thought now, that the filing of the Notice of Appeal was unnecessary, does not entitle them to a refund.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
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

In re Patent No. 6154178
Issue Date: November 28,2000
Application No. 09210285
Filed: December 11,1998
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 5,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 5,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6154178	2000-11-28	09210285	1998-12-11	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

◉ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

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

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
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 form of the signature.			
Signature	/ Richard Bente/	Date (YYYY-MM-DD)	2009-02-05
Name	Richard Bente		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6201909
Issue Date: March 13,2001
Application No. 09210844
Filed: December 15,1998
Attorney Docket No. KEWITSCH-5

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 25,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 25,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6201909	2001-03-13	09210844	1998-12-15	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/wab/	Date (YYYY-MM-DD)	2009-03-25
Name	William A. Blake	Registration Number	30548

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Staas & Halsey, LLP
700 11th Street, N.W.
Suite 500
Washington, DC 20001

MAILED

MAY 30 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re Application of
Yoshiaki Shuto
Application No. 09/210,892
Filed: December 16, 1998
For: CONSTRUCTION OF SYSTEM UTILIZING INFORMATION STORED IN SOLUTION BANK

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to applicant's Petition To Withdraw Holding of Abandonment under 37 CFR 1.181(a) filed January 10, 2003. The delay in treating this petition is sincerely regretted.

The petition is **GRANTED**.

A review of the application file reveals that a Notice of Abandonment mailed December 16, 2002, specified that the application had become abandoned because of applicant's failure to timely file a proper reply to the Office letter mailed on November 23, 2001. Applicant provides evidence of timely filing a response. However, such evidence is unnecessary since a further review of the file reveals that a timely filed response dated February 22, 2002 was present in the application and thus the abandonment was clearly improper.

The Office apologizes for the erroneous Notice of Abandonment.

The application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment and restore the application to pending status, before being returned to the examiner for reconsideration.

Steven Meyers, Special Program Examiner
Patent Technology Center 3600
(703) 308-3868
Facsimile No.: (703) 605-0586

SNM/tpl: 5/27/03

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DIW 11-00

Paper No. 19

JEFFREY L IHNEN
ROTHWELL FIGG ERNST & KURZ
SUITE 701 EAST
555 13TH STREET N W
WASHINGTON, DC 20004

COPY MAILED

JAN 10 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of Fainzibler, Kits, Burlingame, Olivera, Walker, Watkins, Shetty, Cruz, Imperial, and Colledge Application No. 09/210,952 Filed: 15 December, 1998 Attorney Docket No. 2314-147	DECISION NOTING JOINDER OF INVENTORS AND PETITION UNDER 37 CFR 1.47(a) MOOT

Papers filed on 13 October, 2000, in response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on 14 July, 2000, included the Declaration signed by the previously non-signing inventors, Michael Fainzilber, Karel S. Kits, Alma L. Burlingame, Baldomero M. Olivera, Craig Walker, Reshma Shetty, Loudes J. Cruz, Julita Imperial, and Clark Colledge, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

As stated in the Decision Refusing Status Under 37 CFR 1.47(a) mailed on 14 July, 2000, the declaration signed by joint inventor Maren Watkins submitted with the petition filed on 29 July, 1999, is improperly signed by Brent K. Brown. A new oath or declaration in compliance with 37 CFR §§ 1.63 signed by joint inventor Watkins must be submitted when required by the Examiner. ask for signature

The Verified Statement Claiming Small Entity Status--Nonprofit Organization filed on 13 October, 2000, is accepted.

This application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703-308-6918.

for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 17

SIM & MCBURNEY
330 UNIVERSITY AVENUE
6TH FLOOR
TORONTO ON M5G 1R7
CANADA

COPY MAILED

MAY 2 2 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Loosmore et al
Application No. 09/210,995
Filed: December 15, 1998
Attorney Docket No. 1038-844 MIS:ja

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2001 and supplemented on February 1, 2001, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8859.

The application file is being forwarded to Technology Center 1600.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,012,497	2000-01-11	09/211,061	1998-12-14	0064W/00009-U

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Andrew Hurt/	Date (YYYY-MM-DD)	2009-06-10
Name	Andrew Hurt		
Enter Reel and Frame Number		Remove	
Reel Number	022824	Frame Number	0776
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6012497
Issue Date: January 11,2000
Application No. 09211061
Filed: December 14,1998
Attorney Docket No. 0064W/00009-U

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed June 18,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 18,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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 Patent No. 6137856
Issue Date: October 24,2000
Application No. 09211162
Filed: December 14,1998
Attorney Docket No. RD-22654

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed November 5,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 5,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,137,856	2000-10-24	09/211,162	1998-12-14	RD22654

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/mm52020/	Date (YYYY-MM-DD)	2008-11-05
Name	Mardson McQuay	Registration Number	52020

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

COPY MAILED
FEB 05 2007
OFFICE OF PETITIONS

In re Application of	:	
William J. Boyle	:	
Application No. 09/211,297	:	DECISION ON PETITION
Filed: December 14, 1998	:	
Attorney Docket No. A-451-F	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 10, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 3, 2006, which set a shortened statutory period for reply of three (3) months. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 4, 2006.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1020 extension of time fee submitted with the petition on October 10, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 1644 for the Examiner to await the arrival of the Appeal Brief.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JAN - 3 2002

#24

AMGEN INCORPORATED
MAIL STOP 27-4-A
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

In re Application of	:
William J. Boyle	:
Serial No.: 09/211,315	:WITHDRAWAL OF ABANDONMENT
Filed: December 14, 1998	:
Attorney Docket No.: A-451J	:

This is in response to applicant's petition under 37 CFR § 1.181, filed November 28, 2001, requesting revival of the above-identified application based on timely filing of a response to a non-final Office action.

A review of the file history shows the examiner mailed an Office action to applicants on January 3, 2001, setting a three month shortened statutory period for reply. Neither the summary sheet nor the body of the Office action indicated it was a Final rejection. Applicant replied on June 28, 2001. On July 31, 2001, the examiner mailed an Advisory action to applicant indicating non-entry of the amendment. A Notice of Abandonment was then mailed on August 14, 2001. It is clear that the Advisory Action was mailed in error as the previous action was a non-Final Office action. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicant's petition is **GRANTED**.

The application will be forwarded to the examiner for consideration of the reply of June 28, 2001, as a proper reply to a non-Final Office action.

There is no fee for this petition and the petition fee submitted of $130.00 will be credited to applicants Deposit Account No. 001-0519, as directed.

Should there by any questions with regard to this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 7

SCOTT C. HARRIS
FISH & RICHARDSON P.C.
4350 LA JOLLA VILLAGE DRIVE, SUITE 500
SAN DIEGO, CA 92122

COPY MAILED

MAR - 5 2002

OFFICE OF PETITIONS

NOTICE

In re Application of :
Eric R. Fossum et al. :
Application No. 09/211,718 :
Filed: December 14, 1998 :
Attorney Docket No. 08305 / 015001 / 97-15 :

This is a notice regarding your 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**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center 2600.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 10

FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO CA 92122

MAILED

JAN 3 1 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:
09/211,718

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

Further communications will be directed to the address listed below until such a time as applicant properly notifies the Patent and Trademark Office of a change of address. This address has been provided by the withdrawing attorney(s).

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

cc: Micron Technology, Inc.
C/o Tom D'Amico
Dickstein, Shapiro, Moran & Oshinsky
2101 L Street NW
Washington DC 20037-1526

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

February 1, 2000

Bozicevic, Field & Francis
285 Hailton Avenue, Suite 200
Palo Alto, CA 94301

In re Application of
Amy Arrow, et al
Application No. 098/211,794
Filed: December 15, 1998
Attorney Docket No. OLIG-0010CON

DECISION ON PETITION

This is a decision on the petition filed October 21, 1999 for reasons indicate below, is being treated as a petition to withdraw the holding of abandonment in the instant application.

The petition is granted.

This application was held abandoned for failure to timely respond to the Office action mailed January 21, 1999. The evidence presented shows that a response was mailed to the Patent and Trademark Office.

In view of the above it is clear that you have complied with requirements for the initial processing of your application. You will be receiving a filing receipt within the next two weeks, and your case will be forwarded on to the technology center for further processing.

Betty L. Robinson
Office Of Initial Patent Examination

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

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I STREET
WASHINGTON DC 20005-3315

COPY MAILED

JUL 1 2 2004

OFFICE OF PETITIONS

In re Application of
Amy Arrow et al
Application No. 09/211,794
Filed: December 15, 1998
Attorney Docket No. 8824-016

ON PETITION

This is a decision on the petition, filed July 9, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 13, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 1635 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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.go

Paper No. 8

Edward J. Lynch
Duane Morris LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105

COPY MAILED
AUG 1 1 2004
OFFICE OF PETITIONS

In re Application of
Peggy L. Knight
Application No. 09/211,819
Filed: December 15, 1998
Attorney Docket No. R0320-00009

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on June 30, 2004, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 25, 1999, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 26, 1999.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the 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 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Telephone inquiries concerning this decision should be directed to the undersigned at (703)308-5111.

The application file is being forwarded to Technology Center 3700, Art Unit 3732.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6173264
Issue Date: January 9,2001
Application No. 09211874
Filed: December 15,1998
Attorney Docket No. 08342-004002

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 9,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 9,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,173,264	2001-01-09	09/211,874	1998-12-15	14722-0023002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Denis G. Maloney/	Date (YYYY-MM-DD)	2009-07-09
Name	Denis Maloney	Registration Number	29670

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6113542
Issue Date: September 5,2000
Application No. 09211914
Filed: December 15,1998
Attorney Docket No. BEI-3.2.001/

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 1,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 1,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6113542	2000-09-05	09211914	1998-12-15	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/robert hess/	Date (YYYY-MM-DD)	2010-02-01
Name	Robert J. Hess	Registration Number	32139

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

THOMPSON E. FEHR
SUITE 300
GOLDENWEST CORPAORATE CENTER
5025 ADAMS AVENUE
OGDEN, UT 84403

COPY MAILED

SEP 1 2 2008

OFFICE OF PETITIONS

In re Patent No. 6,703,742	:	
Issue Date: March 9, 2004	:	
Application No. 09/212,127	:	ON PETITION
Filed: December 15, 1998	:	
Attorney Docket No. PBRANAEM	:	

This is a decision on the petition under 37 CFR 1.378(c), filed May 9, 2008, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on March 9, 2008 for failure to pay the first maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The 3 ½ year maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

WILLIAMS & ASSOCIATES
1030 15TH STREET N.W.
SUITE 300
WASHINGTON, DC 20005-1501

COPY MAILED

MAR 2 8 2002

OFFICE OF PETITIONS

In re Application of :
Pankaj N. Topiwala :
Application No. 09/212,210 :
Filed: December 16, 1998 :
Attorney Docket No. 905.01 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 16, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 17, 2001.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 2600 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 29

MCDONNELL BOEHNEN HULBERT &
BERGHOFF
300 SOUTH WACKER DRIVE, SUITE 3200
CHICAGO, IL 60606

COPY MAILED

DEC 17 2002

OFFICE OF PETITIONS

In re Application of	:	
David Baunoch et al	:	
Application No. 09/212,367	:	ON PETITION
Filed: December 15, 1998	:	
Attorney Docket No. 98,714	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 17, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 18, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $920 extension of time submitted with the petition on October 18, 2002 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 1700 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 15

MAIL

DEC 0 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

In re Application of:
Neerav N. DALAL
Application No. 09/212,852
Filed: December 16, 1998
For: UNIFIED ARCHITECTURE FOR CDMA NETWORK AND METHOD OF OPERATION

DECISION ON PETITION

This is a response to the Petition to Withdraw Notice of Abandonment, filed October 27, 2004. The petition is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment. Petitione has provided evidence by way of a date stamped post card receipt showing the petition was originally received on March 17, 2003.

*The petition is **granted**.*

This application became abandoned for failure to timely file a response to the Office action mailed July 25, 2002, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on February 20, 2003.

Petitioner alleges to have timely filed a response to the Office action on December 19, 2002. To support this position, Petitioner has included with the instant petition a copy of the response bearing a proper certificate of facsimile transmission with a transmission date of December 19, 2002.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response. It is noted that the checks for $400 for two months extension of time and $366 for additional claims have not been credited to the instant application. Accordingly, the above fees will be charged to applicant's Deposit Account No. 50-0208 as authorized. From there, the file will be forwarded to the examiner for consideration in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600, Communications

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

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

COPY MAILED
NOV 16 2006
OFFICE OF PETITIONS

In re Application of	:	
Neerav N. Dalal	:	
Application No. 09/212,852	:	DECISION ON APPLICATION
Filed: December 16, 1998	:	FOR PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
SAMS01-00063	:	

This is a decision on the "Request for Reconsideration of Patent Term Adjustment Determination Under 37 CRR 1.705(b)," filed May 12, 2006.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN**.

On February 13, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days. On May 12, 2006, applicant timely submitted the instant application for patent term adjustment[1]. Applicant requests that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed February 13, 2006, to an adjustment of 416, or alternatively 386 days.

On Applicant Delay

Applicant asserts that the reduction of period of adjustment of patent term under 37 CFR 1.704(b) is incorrectly calculated based upon Applicant's timely filing of a response to the non-final Office action, mailed July 25, 2002, on December 19, 2002. Applicant provides that Office records incorrectly indicate that the response to the Notice was filed on October 27, 2004. Applicant filed a petition to withdraw the holding of abandonment on October 27, 2004, demonstrating receipt in the

[1] PALM records show that the Issue Fee payment was received in the Office on May 12, 2006.

PTO of the reply to the non-final Office action on December 19, 2002. It is specifically noted that the petition to withdraw the holding of abandonment was filed within two months from the mailing date of a notice of abandonment. See § 1.704(c)(4).

Applicant asserts that the reply was filed 143 days after three (3) months from the mailing of the non-final office action. A review of Office records confirms that Applicant filed a reply to the non-final office action mailed July 25, 2002 on December 19, 2002. However, the reply was filed 55 days (not 143 days) after three (3) months from the mailing of the non-final Office action. Thus, a reduction of 55 days is warranted.

Applicant filed a response to the March 1, 2005 non-final Office action on July 5, 2005, 34 days after three (3) months from the mailing of the non-final Office action. Thus, a reduction of 34 days is warranted.

Applicant's delay is calculated as **eighty-nine (89)** days (55 + 34).

On Office Delay

Applicant asserts that Office records incorrectly indicate two (2) days of PTO delay associated with the Office mailing a non-final Office action on March 1, 2005. Applicant notes that, since the reply to the July 25, 2002 non-final Office action was filed December 19, 2002, the March 1, 2005 non-final office action was mailed 593 days after four (4) months from the receipt of the response filed December 19, 2002.

Applicant filed a reply to the non-final office action mailed July 25, 2002 on December 19, 2002. This Office subsequently mailed a non-final office action on March 1, 2005, 682 days (not 593 days) after four (4) months from the receipt of the response filed December 19, 2002. Thus, a period of adjustment of 682 days is warranted.

Office delay is calculated as **six hundred eighty-two (682) days**.

Conclusion

The correct patent term adjustment (PTA) under 37 CFR §§ 1.702(a)(1) and 1.704(b) at the time of the allowance is **five hundred ninety-three (593) days (682 - 89)**. The Office will adjust the PAIR screen to reflect that the PTA determination at the time of mailing of the instant letter reflects an adjustment

of 593 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 593 days.

The petition fee of $200.00 has been submitted with the instant petition.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Day : Thursday
Date: 11/16/2006

PALM INTRANET

Time: 08:54:05

PTA Calculations for Application: 09/212852			
Application Filing Date:	12/16/1998	PTO Delay (PTO):	2
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	767
Post-Issue Petitions:	0	Total PTA (days):	593
PTO Delay Adjustment:	1358		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	11/16/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
69	11/16/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	682		
68	11/16/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		55	
67	11/16/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	733		
56	02/13/2006	MAIL NOTICE OF ALLOWANCE			
55	02/13/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
54	02/13/2006	MAIL EXAMINER'S AMENDMENT			
53	02/10/2006	ISSUE REVISION COMPLETED			
52	02/10/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	02/09/2006	EXAMINER'S AMENDMENT COMMUNICATION			
50	02/09/2006	NOTICE OF ALLOWABILITY			
49	02/08/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
48	02/09/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
47	12/15/2005	DATE FORWARDED TO EXAMINER			
46	12/09/2005	RESPONSE AFTER NON-FINAL ACTION			
45	09/14/2005	MAIL NON-FINAL REJECTION			
44	09/12/2005	NON-FINAL REJECTION			
43	07/12/2005	DATE FORWARDED TO EXAMINER			
42	07/05/2005	RESPONSE AFTER NON-FINAL ACTION		34	39
41	07/05/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
40	06/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
39	03/01/2005	MAIL NON-FINAL REJECTION	2		36

38	02/25/2005	NON-FINAL REJECTION			
37	02/08/2005	DATE FORWARDED TO EXAMINER			
36	10/27/2004	RESPONSE AFTER NON-FINAL ACTION		733	28
35	10/27/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	12/03/2004	MAIL NOTICE OF RESCINDED ABANDONMENT			
33	12/03/2004	NOTICE OF RESCINDED ABANDONMENT IN TCS			
32	12/02/2004	PETITION TO REVIVE APPLICATION - GRANTED			
31	10/27/2004	PETITION ENTERED			
30	02/20/2003	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
29	02/19/2003	ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
28	07/25/2002	MAIL NON-FINAL REJECTION			
27	07/24/2002	NON-FINAL REJECTION			
26	07/15/2002	DATE FORWARDED TO EXAMINER			
25	07/09/2002	REQUEST FOR CONTINUED EXAMINATION (RCE)			
24	07/15/2002	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	07/09/2002	WORKFLOW - REQUEST FOR CPA - BEGIN			
22	06/13/2002	MAIL ADVISORY ACTION (PTOL - 303)			
21	06/13/2002	ADVISORY ACTION (PTOL-303)			
20	06/12/2002	DATE FORWARDED TO EXAMINER			
19	06/10/2002	AMENDMENT AFTER FINAL REJECTION			
18	04/09/2002	MAIL FINAL REJECTION (PTOL - 326)			
17	04/08/2002	FINAL REJECTION			
16	04/08/2002	DATE FORWARDED TO EXAMINER			
15	04/01/2002	CONTINUING PROSECUTION APPLICATION - CONTINUATION (ACPA)			
14	04/08/2002	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
13	04/01/2002	WORKFLOW - REQUEST FOR CPA - BEGIN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

MAIL

NOV 3 0 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Paper No. 14

In re Patent No. 6,104,727
Issue Date: August 15,2000
Appl No.: 09/212,857
Filed: December 17, 1998
For: MOURA ET AL.

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed July 27, 2005 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Seema S. Rao 11/16/05
Seema S. Rao
Supervisory Patent Examiner
Art Unit 2666
Technology Center 2600

HILL & HUNN, LLP
201 MAIN STREET
SUITE 1440
FORT WORTH, TX 76102

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

MAIL

NOV 3 0 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DATE: November 16, 2005
TO: Certificates of Correction Branch
FROM: Seema S. Rao
SPE, Art Unit 2666
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 6,104,727 as specified on the attached Certificate.

Seema S. Rao 11/16/05
Seema S. Rao, SPE
Art Unit 2666

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 6,104,727
Patented: August 15, 2000

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Eduardo J. Moura; San Jose, CA;
Jan Maksymilian Gronski; Palo Alto, CA;
Frederick Enns; MenloPark, CA.

Seema S. Rao 11/16/05
Seema S. Rao
Supervisory Patent Examiner
Art Unit 2666

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 Patent No. 6540353
Issue Date: April 1,2003
Application No. 09212904
Filed: December 16,1998
Attorney Docket No. 48.163C

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed January 12,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 12,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6540353	2003-04-01	09/212,904	1998-12-16	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Joseph R. Thomas/	Date (YYYY-MM-DD)	2009-01-07
Name	Joseph R. Thomas, President of Wavesource, Inc.		
Enter Reel and Frame Number		Remove	
Reel Number	021876	Frame Number	0189
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

NOV 1 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Mohan V. Kalkunte, et al.	:	
Application No. 09/213,096	:	ON PETITION
Filed: December 17, 1998	:	
Attorney Docket No. 82771.P335	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 27, 2004, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed December 29, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. An Advisory action was mailed July 20, 2004 indicating that the reply filed on March 29, 2004 failed to place the application in condition for allowance. Accordingly, the application became abandoned on March 30, 2004.

Receipt is acknowledged of the Amendment filed August 27, 2004, with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 2600, Art Unit 2666 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APR 10 2002

Paper No. 9

In re Application of
John R. Fredlund *et al*
Application No. 09/213,169
Filed: December 17, 1998
Attorney Docket No. 78685F-P

DECISION ON PETITION

The papers submitted by facsimile transmission on April 4, 2002 are construed as constituting a petition under 37 CFR 1.181 for withdrawal of the examiner's holding that this application stands abandoned. No fee is required.

The petition is dismissed as being untimely.

Technically, this application stands abandoned due to the dismissal of petitioners' appeal for failure to file an appeal brief, 37 CFR 1.192, in an application which contains no allowed claims. A Notice of Abandonment was mailed to petitioners on June 5, 2001. The papers submitted on April 4, 2002 were, therefore, filed eleven (11) months after petitioners were notified of the status of the application. Pursuant to 37 CFR 1.181(f) and MPEP § 711.03(c), a petition to withdraw a holding of abandonment filed more than two (2) months subsequent to notification that the application stands abandoned will be dismissed as untimely absent an appropriate terminal disclaimer.

Petitioners are advised that an appropriate terminal disclaimer in this application is **not** a terminal disclaimer containing the language used with respect to overcoming an obviousness type double patenting rejection. As set forth in MPEP § 711.03(c):

> "The Office may treat an untimely petition to withdraw the holding of abandonment on its merits in a utility or plant application filed on or after June 8, 1995, on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application, or the earliest application to which the application specifically refers under 35 USC §§ 120, 121, or 365(c). ... the terminal disclaimer must also apply to any patent granted on any application that claims the benefit of the filing date of the application under 35 USC §§ 120, 121, or 365(c). Such a terminal disclaimer is not required under 37 CFR 1.137(c) because abandonment of an application is a per se failure to exercise due diligence, and as such, an applicant cannot obtain patent term extension under 35 USC § 154(b) due to prosecution delay caused by abandonment of the application. Where a petition to withdraw the holding of abandonment is granted, the application is considered to never have been abandoned and, as such, the prosecution delay caused by the treatment of the application as abandoned is not considered a per se failure to exercise due diligence. Thus a terminal disclaimer is required to avoid granting patent term extension under 35 USC § 154(b) due to prosecution delay caused by the treatment of the application as abandoned."

Petitioners may file a renewed petition to withdraw the holding of abandonment, without a fee.

BEST AVAILABLE COPY

The renewed petition may consist of an appropriate terminal disclaimer and a request that the papers submitted on April 4, 2002 be reconsidered in light of the terminal disclaimer as a timely petition to withdraw the holding of abandonment. The renewed petition must itself be filed within two months of the date of this Decision. 37 CFR 1.181(f).

The application is being retained in Technology Center 3700 awaiting the filing of a renewed petition, or other action deemed appropriate by petitioners.

PETITION DISMISSED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAY 31 2002

Paper No. 11

In re Application of
John R. Fredlund *et al*
Application No. 09/213,169
Filed: December 17, 1998
Attorney Docket No. 78685F-P

: DECISION ON
: RENEWED PETITION

This is a decision on the renewed petition under 37 CFR 1.181 for withdrawal of the examiner's holding that this application stands abandoned. No fee is required.

The renewed petition is dismissed.

This application currently stands abandoned due to the dismissal of petitioners' appeal for failure to file an appeal brief, 37 CFR 1.192, in an application which contains no allowed claims. A Notice of Abandonment was mailed to petitioners on June 5, 2001. The original petition requesting withdrawal of the holding of abandonment were filed on April 4, 2002, eleven months after petitioners were notified of the abandoned status of the application. The original petition was dismissed pursuant to 37 CFR 1.181(f) and MPEP § 711.03(c), as having been filed more than two (2) months subsequent to notification that the application stands abandoned will be dismissed as untimely absent an appropriate terminal disclaimer. See the Decision on Petition dated April 10, 2002.

Petitioners have now filed a renewed petition accompanied by a terminal disclaimer. However, the terminal disclaimer is not acceptable.

In the Decision on Petition dated April 10, 2002, petitioners were advised of the necessary language which must accompany an untimely petition to withdraw a holding of abandonment. Specifically, petitioners were advised that, as set forth in MPEP § 711.03(c):

> "The Office may treat an untimely petition to withdraw the holding of abandonment on its merits in a utility or plant application filed on or after June 8, 1995, on the condition that the petition is accompanied by a terminal disclaimer dedicating to the public **a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application, or the earliest application to which the application specifically refers under 35 USC §§ 120, 121, or 365(c). ... the terminal disclaimer must also apply to any patent granted on any application that claims the benefit of the filing date of the application under 35 USC §§ 120, 121, or 365(c).** Such a terminal disclaimer is not required under 37 CFR 1.137(c) because abandonment of an application is a per se failure to exercise due diligence, and as such, an applicant cannot obtain patent term extension under 35 USC § 154(b) due to prosecution delay caused by abandonment of the application. Where a petition to withdraw the holding of abandonment is granted, the application is considered to never have been abandoned and, as such, the prosecution delay caused by the treatment of the application as abandoned is not considered a per se failure to exercise due diligence. Thus a terminal disclaimer is required to avoid granting patent term extension under 35 USC § 154(b) due to prosecution delay caused by the treatment of the application as abandoned." (Emphasis supplied.)

BEST AVAILABLE COPY

The terminal disclaimer submitted with the renewed petition contains language tracking the language emphasized above. However, the terminal disclaimer states that language as an alternative to "the period of abandonment of the application", whichever is lesser. The alternative statement is unacceptable, because the period of abandonment of the application is not material to the question of timeliness 37 CFR 1.181(f) as it relates to patent term extension under 35 USC § 154. See the last two sentences in the material quoted above. In other words, there is no option to disclaim the period of abandonment of the application; petitioners must disclaim the period of time as set forth in the emphasized language.

A second renewed petition to withdraw the holding of abandonment may be filed, provided that the renewed petition is filed within two months from the date of this decision. See 37 CFR 1.181(f). The second renewed petition may consist of an appropriate terminal disclaimer and a request that the papers submitted on April 4, 2002 be reconsidered in light of the terminal disclaimer as a timely petition to withdraw the holding of abandonment. The terminal disclaimer must be accompanied by the appropriate disclaimer fee, as the terminal disclaimer submitted with the renewed petition has not been processed and the recording fee has not been charged.

The application is being retained in Technology Center 3700 awaiting the filing of a second renewed petition, or other action deemed appropriate by petitioners.

RENEWED PETITION DISMISSED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

BEST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP -9 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 13

In re Application of
John R. Fredlund *et al*
Application No. 09/213,169
Filed: December 17, 1998
Attorney Docket No. 78685F-P

: DECISION ON PETITION

This is a decision on the second renewed petition filed on August 6, 2002, by which petitioners again request withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office letter dated June 5, 2001. No fee is required for the renewed petition.

The renewed petition is granted.

Petitioners have accompanied the second renewed petition by an acceptable terminal disclaimer. Therefore, the original petition, filed on April 4, 2002 and entered as paper No. 8 will be considered on the merits notwithstanding that it was filed more than two months after the mailing date of the Notice of Abandonment. See 37 CFR 1.181(f) and MPEP § 711.03(c).

A review of paper No. 8 shows that petitioner allege that a reply to the office letter in question was in fact filed, and that the reply was timely filed by reason of a concurrently filed petition for a five month extension of time together with the fee therefor. These allegations are established in a manner which satisfies 37 CFR 1.10(e); that is, petitioners have included copies of the papers which have affixed thereto an "Express Mail" label number, and a copy of the "Express Mail label showing a date of deposit (date-in) of November 30, 2000.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for the following actions:

1. Charge Deposit Account No. 05-0225 in the amount of $110.00 for recording the terminal disclaimer attached to paper No. 12.

2. Enter the Continued Prosecution Application (CPA) papers and extension of time attached to paper No. 8. However, all fees connected with those papers have already been paid, and no additional fees should be charged. Note that the CPA must be processed for pre-grant publication.

3. Forward the file to the Paralegal Specialist to record the terminal disclaimer attached to paper No. 12.

Thereafter, the application will be forwarded to the examiner for action on the CPA filed on November 30, 2000. Before acting on the file, the examiner will contact counsel in this case because the file does not include any amendment filed on June 27, 2000. Petitioners should note that absent a copy of that amendment and evidence of its filing, it cannot be entered pursuant to the CPA request.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Attachment

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

ATTACHMENT

The petition and attached papers filed on August 6, 2002 (certificate of mailing dated July 30, 2002) have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS
ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

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

Paper No. 15

MAIL

MAY 1 8 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

William S Frommer
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York NY 10151

In re Application of:	:	
Herman SCHERLING	:	
Application Serial No.: 09/213,434	:	DECISION
Filed: December 17, 1998	:	ON PETITION
For: OPTICAL IMAGE RECORDING SYSTEM, AND ASSOCIATED PROCESSING SYSTEM	:	

This is a decision on the Petition Under 37 CFR § 1.182 to Correct Filing Receipt and Priority Claim filed October 14, 2003. The petition is treated under 37 CFR 1.181.

A Notice of Allowance and Issue Fee Due was mailed July 15, 2003. The issue fee was paid on October 14, 2003.

Petitioner requests that the filing receipt be corrected and the priority claim for the instant application be changed to indicate that the application also claims priority to International Application No. PCT/DK97/00261 filed June 17, 1997. Petitioner has provided a substitute executed declaration which lists the priority claims to the application.

The Petition is **GRANTED**.

It is noted that the instant application was filed more than one year subsequent to all the claims for priority listed in the substitute declaration. The PCT application as mentioned above was filed June 17, 1997. Denmark application 0676/96 was filed June 18, 1996 and U.S. provisional application 60/043,260 was filed April 17, 1997. It is also noted that copies of the foreign documents have not been provided. Additionally, the application was not filed under 35 USC 371. Furthermore, the conditions of 35 USC 120 have not been met. The claim for priority is noted. However, applicant has not met the conditions for priority under 119 and 365. Priority has NOT been granted.

The file will be forwarded for issuing a correct filing receipt. From there, the file will be forwarded to the issue branch for further processing in due course.

Andrew Faile, Director (Acting)
Technology Center 2600
Communications

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

HITT GAINES, PC
LSI Corporation
PO BOX 832570
RICHARDSON TX 75083

COPY MAILED
OCT 15 2007
OFFICE OF PETITIONS

In re Application of	:	
Diepstraten	:	
Application No. 09/213984	:	
Filing or 371(c) Date: 12/17/1998	:	
Attorney Docket Number:	:	
DIEPSTRATEN 19-5-5	:	ON PETITION

This is a decision on the "Request to Reconsider Holding of Abandonment Under MPEP § 711.03," filed August 3, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed October 31, 2003, wherein no claims were allowed. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a Notice of Appeal in response to the Office action on February 6, 2004, and a defective Appeal Brief on April 5, 2004. The Examiner issued a Communication Regarding Appeal, informing Applicant that the Appeal Brief was defective, on May 3, 2004. Applicant filed a subsequent Appeal Brief on May 21, 2004. The Examiner filed an Answer on September 8, 2004. Applicant then filed a Reply Brief on November 5, 2004. The case was set before the Board of patent Appeals and interferences ("Board"), which affirmed the Examiner in a Decision mailed April 23, 2007.

Applicant filed and this office received a Request for Continued Examination ("RCE") and Submission on June 25, 2007. A Notice of Abandonment was mailed July 3, 2007.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely RCE and Submission were filed.

Applicable Law, Rules and MPEP

37 CFR § 1.114, Request for continued examination, states

> (a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
> (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.
> (b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

37 CFR § 1.304, Time for appeal or civil action, provides

> (a) (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences.

The MPEP 1214.06 states: "The proceedings in an application or ex parte reexamination proceeding are terminated as of the date of the expiration of the time for filing court action."

Analysis and conclusion

In this instance, after the Board Decision, mailed April 23, 2007, Applicant was given two months before proceedings in the application terminated. Office records reveal that Applicant timely filed a RCE and Submission on June 25, 2007. Accord 37 CFR § 1.304(b).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2154 for processing of the RCE and Amendment, and for further examination in the normal course of business.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

DEC - 9 2002

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

#17

In re Application of
Lopez Lastra et al
Serial No.: 09/214,124
Filed: March 17, 1999
Attorney Docket No.: 017753-109

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed October 10, 2002, to withdraw the abandonment of the above identified application based on non-receipt of an Office action.

A review of the file history shows that the examiner mailed an Office action to applicants on January 28, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply a Notice of Abandonment was mailed to applicants on August 24, 2002. Applicants state that the Office action was never received and provide statements of non-receipt and docket record evidence which fails to show receipt thereof. In view of applicants' statements and evidence presented, the Notice of Abandonment is hereby withdrawn and the application restored to pending status with the mailing of this decision.

Applicant's petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7230.

John Doll
Director, Technology Center 1600

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 Patent No. 6225602
Issue Date: May 1,2001
Application No. 09214446
Filed: December 29,1998
Attorney Docket No. NEDER4.001AP

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 20,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 20,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6772164	2004-08-03	09214682	1999-01-08	0286347.00120US1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Wayne M. Kennard/	Date (YYYY-MM-DD)	2008-08-06
Name	Wayne M. Kennard	Registration Number	30271

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6772164
Issue Date: August 3,2004
Application No. 09214682
Filed: January 8,1999
Attorney Docket No. 108.627.118

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed August 6,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 6,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JAN 14 2002

#14

In re Application of:	:	
W. Dorsey STUART	:	
Serial No.: 09/214,699	:	
Filing Date: October 15, 1999	:	PETITION DECISION
For: NOVEL METHODS AND COMPOSITIONS FOR COMBINATORIAL- BASED DISCOVERY OF NEW MULTIMERIC MOLECULES	:	
Attorney's Docket No.: 239182001020	:	

This is in response to " PETITION TO WITHDRAW HOLDING OF ABABDONMENT UNDER 37 C.F.R. 1.181(a)" filed March 19, 2001.

On September 11, 2000, a Notice of Allowance was mailed to applicant. On February 5, 2001, a Notice of Abandonment for failing to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. On March 19, 2001, the present petition was filed. The petitioner asserts that the Notice of Allowance dated September 11, 2000 was never received

The petition of March 19, 2001 provides the evidence required by 1156 O.G. 53 in support of the allegation of nonreceipt of the Notice of Allowance in question. Accordingly, the petition is Granted.

The application has been returned to pending status and the Notice of Allowance dated September 11, 2000 is being re-mailed herewith, with an issue fee due date set to expire three months from the date of this decision.

PETITION GRANTED.

Cecilia Tsang for
John Doll
Director, Technology Center 1600

Kawai Lau
3811 Valley Center Drive
Suite 500
San Diego, California 92130-2332

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 11

Jay L. Chaskin
General Electric Company
3135 Easton Turnpike W3C
Fairfield, CT 06431

COPY MAILED

MAR 5 - 2002

OFFICE OF PETITIONS

In re Application of :
Serge Muller, et. al. :
Application No. 09/214,822 :
Filed: January 11, 1999 :
Attorney Docket No. 14XZ00014 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 13, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight July 13, 2000.

The application is being forwarded to Technology Center 2700.

Telephone inquiries concerning this decision should be directed to Andrea Coram at (703) 308-6711.

Andrea Coram
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Date Mailed : 7-26-07

Patent No.: 6,208,928
Patent Issued : March 27, 2001
Inventor(s): Uvuca Batistic
Title: METHOD OF IMPROVING ABS CONTROL BEHAVIOR
Docket No.: 64098-0636

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322or 1.323.

The alleged error, claim 1, line 7 is in fact a change made by the examiner and considered to be in accordance with the permissible amendments enumerated in MPEP. 1302.04

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Joseph V. Coppola, Sr.
Rader, Fishman & Grauer PLLC
39533 Woodward Ave., Suite 140
Bloomfield Hills, Michigan 48304

ej

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 Patent No. 6239842
Issue Date: May 29,2001
Application No. 09215188
Filed: December 18,1998
Attorney Docket No. 98816

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed September 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 28,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,239,842	2001-05-29	09/215,188	1998-12-18	988/6 (P22952)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Jeffrey S. Draeger/	Date (YYYY-MM-DD)	2009-09-28
Name	Jeffrey s. Draeger	Registration Number	41000

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

Paper No. 35

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

COPY MAILED

JUL 1 8 2003

OFFICE OF PETITIONS

In re Patent No.
6,506,559
Issue Date: January 14, 2003
Application No. 09/215,257
Filing Date: December 18, 1998
Attorney Docket No. PM256628

: ON PETITIONS

This is a decision on the petition under 37 CFR 1.183 filed January 22, 2003, to waive the requirements of 37 CFR 3.81 and accept the correction of the assignee data on the front page of the above-identified patent. This is also a decision on the petition under 37 CFR 1.182 to reprint the assignees name on the front page of the Letter of Patent.

The petition under 37 CFR 1.183 to correct the assignee data is **GRANTED**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters of Patent is **DISMISSED**.

TREATMENT UNDER 37 CFR 1.183

Petitioner is advised that it is the practice of the Patent and Trademark Office (PTO) to issue a certificate of correction to correct an error on the part of an applicant in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1481, which states:

> Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee issue a Certificate of Correction, of the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.

Further, a correction of assignee data after issuance of the patent can only be made if the assignment was recorded before the issue date of the patent. Assignments to The Carnegie Institution of Washington and the University of Massachusetts were recorded on March 19, 1999, prior to the January 14, 2003, issue date of the patent. It is possible, therefore, to correct the assignee data on the patent; the petition under 37 CFR 1.183 is granted.

Although the correction can be accomplished by a Certificate of Correction, petitioner has requested that the front page of the Letters of Patent be reprinted.

TREATMENT UNDER 37 CFR 1.182

Petitioner has requested that the front page of the Letters of Patent be reprinted because of extenuating circumstances relative to the public nature of the invention and out of fairness to the assignees. The PTO will reprint the front page of the Letter of Patent of if the following conditions are met:

1. submission of the petition fee under 37 CFR 1.182.
2. payment of the $130.00 petition fee.
3. payment of a $100.00 fee to place a certificate of correction in the PTO archives.
4. return of the original Letters of Patent.

The petition under 37 CFR 1.182 to reprint the front page of the Letter of Patent cannot be granted at this time because petitioner did not return the original Letters of Patent. Although the petition under 37 CFR 1.183 has been granted, no further action will be taken relative to the issuance of a Certificate of Correction until petitioner provides a response to this decision. An appropriate response would be either a renewed petition under 37 CFR 1.182 accompanied by the Letter of Patent or a letter indicating that petitioner no longer seeks the reprinting of the Letter of Patent and that the Certificate of Correction will suffice.

Deposit account 50-0310 will be assessed $130.00 for the petition under 37 CFR 1.183 and $130.00 for the petition under 37 CFR 1.182.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, Virginia

Telephone inquiries should be directed to the undersigned (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
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

Paper No. 37

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

COPY MAILED
AUG 22 2003
OFFICE OF PETITIONS

In re Patent No.
6,506,559
Issue Date: January 14, 2003
Application No. 09/215,257
Filing Date: December 18, 1998
Attorney Docket No. PM256628

Certificate
AUG 28 2003
of Correction

: ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182 filed August 11, 2003, to reprint the assignees name on the front page of the Letters of Patent.

The renewed petition under 37 CFR 1.182 to reprint the front page of the Letters of Patent is **GRANTED**

Petitioner has requested that the front page of the Letters of Patent be reprinted because of extenuating circumstances relative to the public nature of the invention and out of fairness to the assignees. The PTO will reprint the front page of the Letter of Patent of if the following conditions are met:

1. submission of the petition fee under 37 CFR 1.182.
2. payment of the $130.00 petition fee.
3. payment of a $100.00 fee to place a certificate of correction in the PTO archives.
4. return of the original Letters of Patent.

The original Letters of Patent were in the application file. Deposit account 50-0130 will be charged $100 for the Certificate of Correction. Accordingly, since petitioner has met all four conditions noted above, the front page of the Letters of Patent will be reprinted to include the assignees name.

The file is being forwarded to the Certificates of Correction Branch for appropriate processing of a Certificate of Correction to be placed in the Office archives reflecting the assignees as "The Carnegie Institution of Washington" and the "University of Massachusetts". Thereafter, the file will be forwarded to the Publishing Division for reprinting of the front page of the original Letters of Patent.

Telephone inquiries should be directed to the undersigned (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
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

Paper No. 18

SMITH GAMBRELL & RUSSELL
1850 M STREET NW, SUITE 800
WASHINGTON, DC 20036

COPY MAILED

SEP 2 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Denis Bertin	:	
Application No. 09/215,367	:	ON PETITION
Filed: December 18, 1998	:	
Attorney Docket No. 033808 F 193	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 2004, to revive the above-identified application.

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 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 10, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 11, 2000.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

In the instant case, petitioner, no later than January 17, 2001 was aware (or should have been aware) that a petition to revive was necessary. Therefore, in addition to 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 37 CFR 1.137(b) was unintentional, petitioner must provide a showing as to: (1) the date that petitioner first became aware of the abandonment of the application; (2) how any delay between the mailing of the Notice of Abandonment and petitioner's discovery of the abandoned status of the application occurred; and (3) the cause of any delay between petitioner's discovery of the abandoned status of the application and the filing of a petition to revive. *See* 37 CFR 1.137(b)(3).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.[1]

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Effective September 27, 2004, the phone number will be 571-272-3220.

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

Paper No. 20

SMITH GAMBRELL & RUSSELL
1850 M STREET NW, SUITE 800
WASHINGTON, DC 20036

COPY MAILED

NOV 2 6 2004

OFFICE OF PETITIONS

In re Application of	:	
Denis Bertin	:	
Application No. 09/215,367	:	ON PETITION
Filed: December 18, 1998	:	
Attorney Docket No. 033808 F 193	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 15, 2004, to revive the above-identified application.

The petition is GRANTED.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

The application file is being forwarded to Technology Center AU 1711.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087

COPY MAILED

MAY 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul CHANG et al.	:	
Application No. 09/215,421	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: December 18, 1998	:	
Attorney Docket No. **21-033**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,101,956	2000-08-15	09/215,568	1998-12-16	MIDTF-897

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/David W. Dorton/	Date (YYYY-MM-DD)	2008-10-16
Name	David W. Dorton	Registration Number	51625

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6101956
Issue Date: August 15,2000
Application No. 09215568
Filed: December 16,1998
Attorney Docket No. KEIL-SOLO-TE

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed October 16,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 16,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

August 27, 2008

Stacy L. Taylor
DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Patent No.: 6,806,358 B1
Application No.: 09/215,569
Inventor(s): Ethan Bier, et al.
Issued: October 19, 2004
Title: **PEPTIDE INHIBITOR OF TGF-β GROWTH**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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

May 11, 2009

Stacy L. Taylor
DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Patent No.: 6,806,358 B1
Application No.: 09/215,569
Inventor(s): Ethan Bier, et al.
Issued: October 19, 2004
Title: **PEPTIDE INHIBITOR OF TGF-β GROWTH**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby again denied (you must submit a petition see instruction below).

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 756-1591

vt

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

MAIL

AUG 1 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Schiff Hardin & Waite
6600 Sears Tower
Patent Department
Chicago, Illinois 60606-6473

I n re Application of: Dorn et al.	)	
Application No. 09/215,732	)	**DECISION ON PETITION TO**
Attorney Docket No. P98.3059	)	**WITHDRAW HOLDING OF**
Filed: December 18, 1998	)	**ABANDONMENT UNDER 37 CFR**
For: INTERPRETIVE NETWORK	)	**§1.181**
DAEMON IMPLEMENTED BY GENERIC	)	
MAIN OBJECT	)	

This is a decision on the petition, filed June 1, 2004 requesting the Withdrawal of the Holding of Abandonment of the above-identified application, which has been treated as a petition under 37 CFR §1.181. The instant application was held abandoned for failure to timely respond to the Office action mailed 12/31/02. A Notice of Abandonment was mailed 11/26/03.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

1) a statement from practitioner that the Office action was not received,
2) a statement from practitioner that the file jacket and docket records were searched,
3) a copy of the docket record at the address of record, and
4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. Petitioner also provides a copy of the docket record "for the firm of Schiff, Hardin LLP". This presumed to be **at the address of record**, as is required. It this is not the case, the office should be notified. Note, future submissions (of this type petition) to the office should include the above noted statement. Finally, Petitioner makes reference to the docket record provided in the petition filed June 1, 2004.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, restore the instant application to pending status, and to redate and remail the Notice of Non-Compliant amendment, originally mailed 12/31/02.

Any questions regarding this decision may be directed to the undersigned at 571-272-3595.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

AWK

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

OIPE IAP22
JUL 2 8 2008
PATENT & TRADEMARK OFFICE

COMPLETED

AKIN GUMP STRAUSS HAUER & FELD
1900 FROST BANK PLAZA
816 CONGRESS AVENUE
AUSTIN, TX 78701

COPY MAILED
JUL 1 8 2008

In re Patent No. 6,041,715	:	
Issue Date: March 28, 2000	:	
Application No. 09/215,770	:	ON PETITION
Filed: December 18, 1998	:	
Attorney Docket No. 43296.0014	:	

This is a decision on the petition under 37 CFR 1.378(c), filed March 28, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

With respect to item 3: The surcharge of $65 is acknowledged as being received in the U.S. Patent and Trademark Office on March 28, 2008, however, the current surcharge is $1640. To satisfy the requirement of 37 CFR 1.378(c) the petitioner must submit (1) the surcharge balance of $1575 (2) and the renewed petition fee of $400. A renewed petition cannot be considered until the outstanding balance of $1975 is paid.

Any petition for reconsideration of this decision must be accompanied by the **petition fee of $400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above , since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Diane Goodwyn at 571-272-6735.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

cc: HEINZ GRETHER
P.O. BOX 40610
AUSTIN, TX 78704

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,132,169	2000-10-17	09/215,858	1998-12-18	13DV12880

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/mm52020/	Date (YYYY-MM-DD)	2008-11-05
Name	Mardson McQuay	Registration Number	52020

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6132169
Issue Date: October 17,2000
Application No. 09215858
Filed: December 18,1998
Attorney Docket No. 13DV12880

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed November 5,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 5,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313
www.uspto.gov

Paper No. 26

Townsend and Townsend and Crew
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

COPY MAILED

OCT 0 2 2003

OFFICE OF PETITIONS

In re Application of	:	
Cheng-Tsung Ni et al.	:	
Application No. 09/216,078	:	ON PETITION
Filed: December 18, 1998	:	
Attorney Docket No. 016517-00380	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 10, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the final Office action mailed July 31, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on October 31, 2001.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 2823 for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6371618
Issue Date: April 16,2002
Application No. 09216124
Filed: December 18,1998
Attorney Docket No. P/1123-33

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 28,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 28,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6371618	2002-04-16	09216124	1998-12-18	2200600.00181US5

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Laura A. Sheridan/	Date (YYYY-MM-DD)	2010-07-28
Name	Laura A. Sheridan	Registration Number	48446

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6235934	2001-05-22	09216252	1998-12-17	RD24691-11-US-DIV

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Diderico van Eyl/	Date (YYYY-MM-DD)	2009-08-05
Name	Diderico van Eyl	Registration Number	38641

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6235934
Issue Date: May 22,2001
Application No. 09216252
Filed: December 17,1998
Attorney Docket No. RD-26737

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed August 5,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 5,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

Paper No.

GATEWAY, INC.
ATTN: Patent Attorney
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY SD 57049

COPY MAILED

OCT 1 1 2007

OFFICE OF PETITIONS

In re Application of :
Rix S. Chan et al. :
Application No. 09/216,378 :
Filed: December 18, 1998 :
Attorney Docket No.: 450.250US1 :
Title: NOISE REDUCTION SCHEME :
FOR A COMPUTER SYSTEM :

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed on July 11, 2007, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed July 13, 2006, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on October 14, 2006.

RELEVANT PORTION OF THE C.F.R.

37 C.F.R. § 1.8(b) sets forth, *in toto*:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice,

the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

ANALYSIS

With the present petition, Petitioner has asserted that a response was timely submitted via facsimile transmission on September 13, 2006. Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of facsimile transmission dated September 13, 2006. Petitioner has further provided a statement from the individual who executed this certificate of facsimile transmission.

Certificate of facsimile transmission practice provides a mechanism by which Applicants may evince that a paper was timely submitted to the Office, in the event that the correspondence is not received.

Petitioner's submission has been reviewed: with the present petition, Petitioner has informed the Office of the previous facsimile transmission, provided an additional copy of the previously submitted correspondence, and has included a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely transmission.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted. **However, the submission has been reviewed by the Examiner and it has not been deemed to place this application in condition for allowance.** A copy of the advisory action has been included with this decision.

It is clear from rules 37 C.F.R. §§ 1.116 and 1.135 that abandonment of an application is risked when the applicant

proffers an amendment after the mailing of a final Office action. The rule clearly indicates that the mere filing of an amendment does not relieve applicant of the duty to take appropriate action to save the application from abandonment.

If steps are not taken after final to maintain pendency prior to the expiration of the maximum extendable period for reply, the application will go abandoned. Put another way, the submission of an after final amendment which fails to place the application in condition for allowance will result in the abandonment of the application, unless one of the following four items is filed prior to the maximum extendable period for reply:

- a subsequent amendment which places the application in condition for allowance;
- a Notice of Appeal;
- a Request for a Continuation Application pursuant to 37 C.F.R. § 1.53(b), if applicable;
- a Request for Continued Examination pursuant to 37 C.F.R. § 1.114, or;
- a Terminal Disclaimer, if applicable.

It does not appear that any of these items was submitted prior to the expiration of the maximum extendable period for reply to the final Office action.

As such, the petition must be **DISMISSED**.

Any reply to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted.

The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§ 1.137(a) and/or (b).

Any future submission concerning this matter should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Advisory Action

cc: WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS, SD 57117

---

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/216,378	Applicant(s) CHAN ET AL.	
	Examiner Lun-See Lao	Art Unit 2615	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:Applicant's arguments are not persuasive. Note the final Office action for the examiner's position. Further, regarding the argument that the final Office action conceded that Lambrecht does not actually teach the built-in microphone (Remarks, page 10), the examiner's position appeared mischaracterized. As discussed in the rejection of claim 1, while Lambrecht does not explicitly teach that the microphone is of a built-in type, Lambrecht teaches the microphone is physically located with the speaker, and the speaker in tern is a conventional speaker (col. 3, lines 48-53). One of ordinary skill in the art would realize that for the PC (notebook computer 154) as shown in figure 1, the speaker would be built into the PC / notebook computer. In other words, the microphone would be built into the PC / notebook computer, to be physically located with the speaker. It is noted that it was what Lambrecht suggests to one of ordinary skill in the art, rather than the explicit teaching of Lambrecht, that was relied upon to show that Lambrecht meets the claimed limitation. Applicant cited Summary of the Invention of Lambrecht (Remarks, pages 11-12). However, Lambrecht clearly stated in the Summary that "[t]he audio signal is output to the listener via a speaker or headphone to accomplish the noise cancellation". In other words, it is the calculation of the software application and the generation of the cancellation signal that provides the cancellation functionality, rather than the locations of the speaker or the microphone. As to the argument that the Lambrecht system, as modified, cannot generate "sufficient volume in free air to overcome the noise", it is noted that the claim language, for example, claim 1, does not require "sufficient volume in free air to overcome the noise". Instead, it only requires "... generates a noise cancellation signal responsive to the detected ambient noise" and "for provision to... to reduce headphone noise". No strength of the noise cancellation signal is claimed. Applicant's argument that McIntosh does not teach detecting ambient noise but the noise that actually penetrates the earcup (rather than sounds that do not enter the earcup) (Remarks, pages 14-16). The examiner's position is that the noise that actually penetrates the earcup (rather than sounds that do not enter the earcup) is the actual ambient noise presented to, and sensed by, a listener because this is almost the only way that any ambient noise is sensed by a listener. Applicant appears to argue that applicant's ambient noise does not include the ambient noise ears that penetrates the earcup. However, such distinction is not claimed. See, for example, claim 1. Regarding applicant's argument that McIntosh does not teach a standard headphone compatible audio output connection (Remarks, pages 17-18), the examiner's position is that the claim language, see, for example, claims 1, 8, 13, 16 and 24, requires audio output connection to be compatible with a standard headphone, which is met by Lambrecht who teaches the output port to the user's headphone, which is certainly compatible with any standard headphone. Whether the headphone connection includes an input, or bidirectional communication, is clearly not recited in the claims. See, for example, claims 1, 8, 13, 16 and 24. For these reasons, applicant's arguments are note persuasive.

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

Paper No.

GATEWAY, INC.
ATTN: Patent Attorney
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY SD 57049

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Rix S. Chan et al.	:	
Application No. 09/216,378	:	DECISION ON PETITION
Filed: December 18, 1998	:	UNDER 37 C.F.R. § 1.181
Attorney Docket No.: 450.250US1	:	
Title: NOISE REDUCTION SCHEME	:	
FOR A COMPUTER SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)[1], filed on October 31, 2007, to revive the above-identified application.

The petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed July 13, 2006, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on October 14, 2006.

---

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, 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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

A petition pursuant to 37 C.F.R. § 1.181 was filed on July 11, 2007, which was dismissed via the mailing of a decision on October 11, 2007.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. A terminal disclaimer is not required.

Petitioner has also submitted a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1). Having made a statement which is being construed as the proper statement of unintentional delay and having submitted the petition fee, Petitioner has met all other requirements for a grantable petition under 37 C.F.R. § 1.137(b).

The application file is being forwarded to Technology Center 2600 for consideration of the submission under 37 C.F.R. § 1.114, the amendment filed on October 31, 2007.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

CF/74/P CR2

1-17-03 R

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

OIPE JC173
AUG 2 0 2004
PATENT & TRADEMARK OFFICE

Paper No.

GARRY J. TUMA
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104

COPY MAILED
JAN 0 9 2003
OFFICE OF PETITIONS

In re Application of
Howard Lutnick, et al.
Application No. 09/216,464
Filed: December 18, 1998
Attorney Docket No. 145-003D

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed on January 9, 2003, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 29, 2002, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 3625 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
(703) 305-9220

RECEIVED
JAN 1 5 2003
FISH & NEAVE - PATENT DEPT.
REFERRED TO GJT
NOTED BY

[1]The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to *timely* request *in writing* that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

Express Mail No.
EV 371747823 US

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

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

FEB 07 2006

In re Application of:	:	
James S. Brunson et al.	:	DECISION ON PETITION TO
Serial No.: 09/217,235	:	WITHDRAW THE HOLDING
Filed: December 21, 1998	:	OF ABANDONMENT
Attorney Docket No.: SAMS01-00059	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181 filed via facsimile transmission on April 13, 2005. According to the date on the petition, a Certificate of Mailing on a separate sheet of paper, and a post card receipt, this petition was first submitted by first class mail on April 21, 2004 and received in the Office of Petitions on April 27, 2004 but was not matched with the file.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper response to the Office action mailed on October 14, 1999. A Notice of Abandonment was mailed on April 6, 2004.

Petitioner asserts that a response to the Office action was timely filed on January 19, 2000. To support this assertion, petitioner has submitted a copy of the response (an amendment and a letter to the draftsman with two sheets of formal drawings) and a copy of a stamped return postcard which properly identifies and acknowledges receipt of the response by the Patent and Trademark Office (PTO) on January 19, 2000. The copy of the response includes signed Certificates of Mailing dated January 14, 2000 so the original response would have been timely under the provisions of 37 C.F.R. § 1.8 (a)(1) if it had been received and matched with the application file.

A review of the application file record reveals that the response having been acknowledged on the stamped return postcard as being received in the PTO on January 19, 2000 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO. Accordingly, it is concluded that the response was timely received but lost after receipt thereof.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed April 6, 2004 is hereby **VACATED** and the holding of abandonment is withdrawn.

The copy of the response filed with the petition on April 13, 2005 is accepted since the originally submitted response is lost.

The Technical Support Staff will enter the response filed with the petition on April 13, 2005 into the Patent Application Locating and Monitoring System (PALM) and the examiner will prepare an action based upon that response.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

James Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6479896	2002-11-12	09217249	1998-12-21	74819-199

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
◉	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Donald R. Studebaker/	Date (YYYY-MM-DD)	2008-02-14
Name	Donald R. Studebaker	Registration Number	32815

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6479896
Issue Date: November 12,2002
Application No. 09217249
Filed: December 21,1998
Attorney Docket No. 0819-199

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 14,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 14,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

Paper No. 36

GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DR., Y-04
N. SIOUX CITY, SD 57049

COPY MAILED

MAY 2 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Rapaich, Mark	:	
Application No. 09/217,873	:	ON PETITION
Filed: December 21, 1998	:	
Attorney Docket No. 450.221US1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 3, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed July 1, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on October 2, 2003. A Notice of Abandonment was mailed on March 11, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $950.00 extension of time fee submitted with the petition on May 3, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 2600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAIL

APR 1 4 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Paper No. 11

Robert E. Bushnell
1522 K Street, N.W.
Suite 300
Washington, D.C. 20005-1245

In re Application of: Kang et al.	)	
Application No. 09/217,932	)	
Attorney Docket No. P55501	)	**DECISION ON PETITION**
Filed: December 22, 1998	)	**UNDER 37 C.F.R. §1.144 TO**
For: DIGITAL CONTENT ENCRYPTION	)	**WITHDRAW HOLDING OF**
APPARATUS AND METHOD	)	**RESTRICTION REQUIREMENT**
THEREOF	)	

This is a decision on the petition, filed December 31, 2002, under 37 CFR §1.144 requesting the withdrawal of the holding of Restriction requirement final of the above-identified application, as an election with traversal arguments have been made and represented for reconsideration.

The petition is **DISMISSED**.

This application was held with a FINAL restriction requirement in a non-final Office action of mail date December 12, 2002 (Paper No. 9), in response to Applicants filed an Election with traverse on October 22, 2002 (Paper No. 8). Sequentially, a petition was filed on December 31, 2002 (Paper No. 10).

37 C.F.R. §1.144 - Petition from requirement for restriction, with emphasis added, states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A **petition will not be considered if** reconsideration of the requirement was **not requested** (see §1.181).

A review of the application file record reveals that:

(1) The petition is DISMISSED because, in the instant application, it is improperly petitionable under 37 C.F.R. §1.181(c), as a request for reconsideration of a repeated action by the examiner has yet to be filed. Accordingly, this petition (Paper No. 10) is being treated as a Request for reconsideration under 37 C.F.R. §1.181(c).

(2) It is noticed that the examiner should have provided an expanded reason to support his conclusion on grouping of claimed inventions, as they are related as subcombinations disclosed as usable together in a single combination, and their patentable distinct from each other if they are shown to be separately usable, as set out by M.P.E.P. §806.05(d).

Accordingly, the application file is being forwarded to the Examiner to (1) WITHDRAWN the Final restriction requirement, (2) consider the Request for reconsideration (Paper No. 10), as noted above, and (3) provide a new non-final Office action that includes a full detailed reason to support his conclusion on restriction requirement, at least, as set out by M.P.E.P. §§803 and 806.05(d).

If the petitioner desires further review of this Decision, applicant should consider filing a Request for Reconsideration must be filed within TWO MONTHS of the mailing date of this Decision.

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 305-9750

TQD

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

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

Mail Date: 04/23/2010

Applicant	: JAY S. WALKER	: DECISION ON REQUEST FOR
Patent Number	: 7587333	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/218,085	: OF WYETH
Filed	: 12/22/1998	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6344050	2002-02-05	09218336	1998-12-21	CHEN0080

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/mike king/	Date (YYYY-MM-DD)	2007-01-26
Name	Michael C. King	Registration Number	44832

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6344050
Issue Date: February 5,2002
Application No. 09218336
Filed: December 21,1998
Attorney Docket No. CHEN0080

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed January 26,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 26,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

January 10, 2002

Joseph B. Lerch
Darby & Darby
805 Third Ave.
New York, NY 10022

In re application of:
Dirk Neubauer et al. DECISION ON PETITION
Serial No.: 09/218,761
Filed: December 22, 1999

For: TRANSMISSION

This is a decision on the petition received on October 9, 2001, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed January 15, 1999. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned August 28, 1999. A notice of abandonment was mailed on August 6, 2001.

On October 9, 2001, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney responded to the Notice to File Missing Part on August 27, 1999.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Missing Parts of Application on August 27, 1999.

The office thanks counsel for submitting a copy of the translation with the Petition. The copy counsel sent on August 27, 1999 has never reached the application.

The petition is hereby GRANTED.

The application has been completed for release to Technology Center 3672.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie Day

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/218,761	12/22/98	DIRK NEUBAUER	2338/OE966

HENRY STERNBERG
DARBY & DARBY
805 THIRD AVENUE
NEW YORK NY 10022

EXAMINER	
LEWIS, TISHA	
ART UNIT	PAPER NUMBER
3681	

DATE MAILED: 10/5/06

NOTICE OF RESCINDED ABANDONMENT

☒ **In response to your communication filed** 5/10/06

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

Manager, Publications Division
Office of Patent Publication
571-272-4200

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-27-07

TO SPE OF : ART UNIT 4700

SUBJECT : Request for Certificate of Correction on Patent No.: 6142082 (09/218789

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Assignee to be granted

Eva James

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

SPE _____ Art Unit _____

UNITED STATES PATENT AND TRADEMARK OFFICE

10-19-07

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

Patent No. : 6,142,082
Ser. No. : 09/218,789
Inventor(s) : Michael K. Burke, et. al.
Issued : November 7, 2000
Title : GUIDE BRACKET FOR DOORS ON RAILROAD CARS
Docket No. : 0110357/002

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or (703) 308-8309

Adam H. Masia
Bell, Boyd & Lloyd
P.O. Box 1135
Chicago, Illinois 60690-1135

ej

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

COPY MAILED

NOV 2 5 2009

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Patent No. 6,145,984	:	
Issue Date: November 14, 2000	:	
Application No. 09/218,886	:	ON PETITION
Filed: December 22, 1998	:	
Attorney Docket No. 12555-199	:	

This is a decision on the petition under 37 CFR 1.378(c), filed January 23, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include 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 petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) above.

The petition included no fee payment for the maintenance fee or petition fee. The petition transmittal letter included a fee authorization but only for fees covered under 37 CFR 1.16 and 1.17. However, maintenance fees and surcharge are covered under 37 CFR 1.20 and are therefore not applicable to the fee authorization.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Carl Friedman at (703) 571-6842.

Carl Friedman
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

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

COPY MAILED

DEC 0 8 2009

OFFICE OF PETITIONS

In re Patent No. 6,145,984	:	
Issue Date: November 14, 2000	:	
Application No. 09/218,886	:	ON PETITION
Filed: December 22, 1998	:	
Attorney Docket No. 12555-199	:	

This is a decision on the renewed petition under 37 CFR 1.378(c), filed November 30, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on November 15, 2008 for failure to pay the seven and one half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The petition under 37 CFR 1.378(c) filed January 23, 2009 was dismissed in a decision mailed November 25, 2009 due to the failure to include the maintenance and petition fees. The instant renewed petition includes the proper fees.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6842.

The patent file is being forwarded to Files Repository.

Carl Friedman
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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

COPY MAILED
JUL 0 8 2004
OFFICE OF PETITIONS

In re Application of	:	
Katayama, et al.	:	DECISION DISMISSING
Application No. 09/218,918	:	PETITION UNDER 37 CFR
Filed: December 22, 1998	:	3.81(b)
Attorney Docket No.: 862.2573	:	

This is a decision on the petition under 37 CFR 3.81(b), filed April 23, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

The instant application matured into U.S. Pat. No. 6,733,101 on May 11, 2004. Thus, the instant petition was not received in a timely enough fashion to correct the data appearing on the issue fee transmittal form (PTOL-85b). Hence, the request for the patent to issue in the name of the assignee cannot be granted.

ALTERNATE VENUE

Petitioner is advised to seek a certificate of correction pursuant to 37 CFR 1.322.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6210000	2001-04-03	09/218,948	1998-12-22	01YEE005

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Indranil Chowdhury/	Date (YYYY-MM-DD)	2010-05-12
Name	Indranil Chowdhury	Registration Number	47490

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6210000
Issue Date: April 3,2001
Application No. 09218948
Filed: December 22,1998
Attorney Docket No. 01YEE005

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 12,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 12,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE IAP27
AUG 18 2008
PATENT & TRADEMARK OFFICE

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

LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

COPY MAILED

JUL 30 2008

COMPLETED

In re Patent No. 6,098,797	:	
Issue Date: August 8, 2000	:	
Application No. 09/218,993	:	DECISION ON PETITION
Filed: December 22, 1998	:	UNDER 37 CFR 1.378(b)
Attorney Docket No. 8476/PD-7129	:	
Patentee(s): HAN, Dong-Kyu	:	

This is a decision on the petition under 37 CFR 1.378(b), filed September 26, 2005, to accept an unavoidably delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). **Any such petition for reconsideration must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f).** 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.

The patent issued August 8, 2000. The three and one half year maintenance fee could have been paid from August 8, 2003, through February 9, 2004, or with a surcharge during the period from February 10, 2004 through August 9, 2004. Accordingly, the patent expired at midnight August 10, 2004, for failure to timely submit the three and one half year maintenance fee.

A petition to accept the delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate showing that the delay was unavoidable, since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).

This petition lacks items (1), an adequate showing that the delay was unavoidable, and (2), payment of the surcharge set forth in 37 CFR 1.20(i)(1), above.

The Director may accept late payment of the maintenance fee if the delay is shown to the satisfaction of the Director to have been "unavoidable". 35 U.S.C. § 41(c)(1).

Notwithstanding the comments set forth in Item 8 on Page 3 of 4 of the petition, the petition was not accompanied by any "enclosed statement" explaining why the delayed payment of the three and one half year maintenance fee payment was unavoidable. As such, the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.378(b)(3). In addition, the petition was not accompanied by the then requisite $700.00 surcharge, as set forth under 37 CFR 1.20(i)(1).

Acceptance of late payment of a maintenance fee is considered under the same standard as that for reviving an abandoned application under 35 U.S.C. § 133 because 35 U.S.C. § 41(c)(1) uses the identical language, i.e. "unavoidable delay". Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995)(quoting In re Patent No. 4,409,763, 7 USPQ2d 1798, 1800 (Comm'r Pat. 1988)). Decisions on reviving abandoned applications have adopted the "reasonably prudent person" standard in determining if the delay in responding to an Office action was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-515 (D.C. Cir. 1912); and Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141. In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

In essence, petitioner must show that he was aware of the need to pay the maintenance fee, and to that end was tracking it, or had engaged someone to track it before the expiration, but when the fee came due, was "unavoidably" prevented from making the maintenance fee payment until the petition was filed.

In determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person. Ray, 55 F3d at 608-609, 34 USPQ2D at 1787. It is incumbent upon the patent owner to implement steps to schedule and pay the fee, or obligate another to do so. See California Medical Products v. Technol. Med. Prod., 921 F.Supp 1219, 1259 (D. Del. 1995). That is, 37 CFR 1.378(b)(3) requires a showing of the steps in place to pay the maintenance fee, and the record currently lacks a showing that any steps were emplaced by petitioner or anyone else. In the absence of a showing that petitioner or anyone else was engaged in tracking the maintenance fee due dates, and that party had in fact been tracking the due dates with a reliable tracking system, such as would be used by prudent and careful men in relation to their most

important business, petitioner cannot reasonably show that the delay was unavoidable delay. In re Katrapat, 6 USPQ2d 1863, 1867-1868 (Comm'r Pat. 1988); California, supra.

Petitioner should also note that since the maintenance fee was proffered within 24 months of the date of expiration date of the patent, he has an alternate remedy under the unintentional provisions of 37 CFR 1.378(c) which does not require a showing of the delay in timely paying the maintenance fee in order to reinstate the patent. A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). Under the present circumstances, the $450.00 maintenance was previously submitted with the present petition under 37 CFR 1.378(b). **The requisite surcharge, as set forth in 37 CFR 1.20(i)(2), is currently $1640.00.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Dong-Kyu Han
300 Corona Drive
La Canada, CA 91011

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 26

BRIAN C. KUNZLER
10 WEST 100 SOUTH
SUITE 425
SALT LAKE CITY UT 84101

COPY MAILED

APR 2 8 2003

OFFICE OF PETITIONS
ON PETITION

In re Application of
Lee, et al.
Application No. 09/219,195
Filed: December 21, 1998
Attorney Docket No. SA997115
For: INTERCONNECT MODULE FOR USE IN A SUSPENSION ASSEMBLY

This is a decision on the petition under 37 CFR 1.137(a), filed February 14, 2003 (certificate of mailing date February 7, 2003), to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any further petition to revive the above-identified application 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 "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to properly reply to the final Office action of May 22, 2002. Petitioners filed an amendment after final on August 7, 2002 (certificate of mailing date July 22, 2002) that failed to place the above-identified application in *prima facie* condition for allowance. On August 28, 2002, an Advisory action was mailed to a former address of record. On December 17, 2002, a Notice of Abandonment was mailed to the same former address of record.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(l); (3) a showing to the satisfaction of the Commissioner 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 unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. This petition does not satisfy requirement (3).

Regarding (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term 'unavoidable' "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Regarding (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term 'unavoidable' "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

In the instant case, petitioners have failed to provide adequate evidence that the delay was unavoidable. Petitioners assert that the entire delay was caused by the PTO directing the Advisory Action to an incorrect address.

Petitioners are reminded that after a final action, there are only five possible replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (4) an RCE. To be a proper reply, an amendment after final must eliminate all of the Examiner's objections and rejections, and thus place the case in *prima facie* condition for allowance.

Petitioners' Amendment After Final failed to eliminate all of the Examiner's objections and rejections, as was stated in the Advisory Opinion of August 28, 2002.

An Advisory Opinion does not restart the prosecution of the application. The post-final rejection of amendments does not obligate the Office or examiner to provide an applicant with a new time period or time limit in which to provide a complete response under 37 CFR 1.113.

The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, shall not operate to save the application from abandonment. "[T]he admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135." See 37 CFR 1.116(a).

It is undisputed that the Office mailed the Advisory Action and the final Office action to the former address of record. However, petitioners responded to the final Office action in a timely manner. Unfortunately the reply was not proper. Petitioners are reminded that an Advisory Action is mailed as a courtesy and does not start a new period for response. The application became abandoned because petitioners did not submit a proper reply to the final Office action. The fact that the Advisory Action was not received does not absolve petitioners from filing a complete reply to the final Office action.

A registered practitioner is expected to appreciate that proceedings under 37 CFR 1.116 in an application subject to a final Office action will not operate to avoid abandonment in the absence of a timely and proper appeal. See 37 CFR 1.116 and 1.135. Petitioners' failure to appreciate that the filing of a proposed amendment under 37 CFR 1.116 on August 7, 2002 (certificate of amiling date July 22, 2002) did not relieve petitioners of the burden of timely filing a notice of appeal to avoid abandonment of the above-identified application. The abandonment of an application subject to a final Office action is not "unavoidable" within the meaning of 35 USC 133 and 37 CFR 1.137(a) in the situation in which the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. At 53162, 1203 Off. Gaz. Pat. Office at 89 (response to comment 66).

The petition under 37 CFR 1.137(a) is dismissed.

ALTERNATIVE VENUE

Petitioners should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $ 1300.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). For petitioners' convenience, a blank copy of PTO/SB/64 -- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail until 05/01/03:	Commissioner for Patents Box DAC Washington, D.C. 20231
By mail on or after 05/01/03:	Mail Stop PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosures: blank PTO/SB/64 -- Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b)

Privacy Act Statement

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

Paper No. 30

BRIAN C. KUNZLER
10 WEST 100 SOUTH
SUITE 425
SALT LAKE CITY UT 84101

COPY MAILED

JUN 0 9 2003

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 09/219,195 : ON PETITION
Filed: December 21, 1998 :
Attorney Docket No. SA997115 :
For: INTERCONNECT MODULE FOR USE IN
A SUSPENSION ASSEMBLY

This is a decision on the petition under 37 CFR 1.137(b), filed May 23, 2003 (certificate of mailing date May 20, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to properly reply to the final Office action of May 22, 2002. Petitioners filed an amendment after final on August 7, 2002 (certificate of mailing date July 22, 2002) that failed to place the above-identified application in *prima facie* condition for allowance. On August 28, 2002, an Advisory action was mailed to a former address of record. On December 17, 2002, a Notice of Abandonment was mailed to the same former address of record. Applicants' petition to revive under 37 CFR 1.137(a), filed February 14, 2003 (certificate of mailing date February 7, 2003), was dismissed on April 28, 2003 for failure to show that the entire delay in properly replying to the May 22, 2002 final Office action was unavoidable.

Applicants have submitted a reply in the form of a RCE and preliminary amendment, an acceptable statement of the unintentional nature of the delay in responding to the May 22, 2002 final Office action, and the petition fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

Regarding finances, petitioners have paid twice for the RCE because the February 14, 2003 (certificate of mailing date February 7, 2003) RCE was resubmitted on May 23, 2003 (certificate of mailing date May 20, 2003) . Pursuant to petitioners' authorization, deposit account no. 09-0466 will be credited one of the two $750.00 RCE fees.

After the mailing of this decision the application will be forwarded to Technology Center 2600 for further examination.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E Shirene Willis

E. Shirene Willis
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

HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

COPY MAILED

FEB 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Jing-Shan Hu et al	:	
Application No. 09/219,442	:	ON PETITION
Filed: December 23, 1998	:	
Attorney Docket No. PF112P2D1	:	

This is a decision on the petition, filed February 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 16, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on February 3, 2006, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Helene C. Carlson appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she act. However, if Ms. Carlson desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Ms. Carlson, the

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 1647 for processing of the request for continued examination under 37 CFR 1.114 filed February 3, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3934

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

Paper No. _____

Date : February 6, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Jing-Shan Hu et al
Application No. :09/219,442
Filed :December 23, 1998

The above-identified application has been assigned Patent No. 6,998,386 and an issue date of February 14, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of February 14, 2006:

"All reference to Patent No. 6,998,386 to Jing-Shan Hu et al of California for VASCULAR ENDOTHELIAL GROWTH FACTOR 2 AND METHOD OF USE appearing in the Official Gazette of February 14, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,146,524	2000-11-14	09/219,611	1998-12-23	STORY-0002US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Claude A.S. Hamrick/	Date (YYYY-MM-DD)	2009-02-26
Name	Claude A.S. Hamrick	Registration Number	22586

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6146524
Issue Date: November 14,2000
Application No. 09219611
Filed: December 23,1998
Attorney Docket No. 39087-12C1

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 27,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 27,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 14

Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112

COPY MAILED
MAY 2 8 2004
OFFICE OF PETITIONS

In re Application of :
Akane Yokota, et al. :
Application No. 09/219,747 :
Filed: December 23, 1998 :
Attorney Docket No. 00862.002629 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed by facsimile transmission on May 13, 2004[1], which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

A "Notice of Allowance and Issue Fee Due" (Notice) was mailed to applicant on August 25, 2002, setting a three-month statutory period within which to timely pay the issue fee. Petitioner filed a continued prosecution application (CPA) on November 12, 2002, in reply to the Notice. Petitioner has provided evidence, namely a post card receipt, that the CPA was received in the USPTO. Furthermore, a review of USPTO records shows that the CPA filing fee and the fee for additional claims were processed in the Office on November 12, 2002. Since the CPA was timely filed, the application was improperly held abandoned. In view thereof, the petition fee of $110 will not be charged to petitioner's deposit account.

This application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on November 12, 2002.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-3475.

---

[1] The petition was originally filed on March 11, 2003, as evidenced by the copy of the post card receipt. The Office wishes to apologize for the delay in rendering a decision on the petition. Any inconvenience to petitioner is regretted.

The application file is being forwarded to Technology Center 2600 for further processing.

Marianne E. Morgan

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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.
09/219,934	12/23/1998	WILLIAM J. BAER	CA1026	4144

23493 7590 10/21/2005

SUGHRUE MION, PLLC
401 Castro Street, Ste 220
Mountain View, CA 94041-2007

EXAMINER
DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/21/2005

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Aug. 19, 2005

TO SPE OF : ART UNIT 2155

SUBJECT : Request for Certificate of Correction on Patent No.: 6,912,561

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Palm location 7580, Certificates of Correction Branch – South Tower – 9A22

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

See on the cofc 1050 form – claim 5 (printed patent - col. 21, line 1)! sp

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 x120

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

SPE 2155 **Art Unit**

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

Sun Lehmann
Henkel Corporation
10 Finderne Avenue
Bridgewater, NJ 08807

MAILED

JUN 11 2010

OFFICE OF PETITIONS

In re Patent No. 6,232,391 :
Issue Date: May 15, 2001 :
Application No. 09/219,938 : ON PETITION
Filed: December 23, 1998 :
Attorney Docket No. MULTIPURPOSE HOT :
MELT ADHESIVE :

This is a decision on the petition under 37 CFR 1.378(c), filed April 28, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is GRANTED.

This patent expired on May 15, 2009 for failure to pay the 7.5 year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of practitioner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. This decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

The patent file is being forwarded to Files Repository.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 15

COPY MAILED

SEP 1 1 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

In re Application of
Reinhard Joho et al
Application No. 09/220,055
Filed: December 23, 1998
Attorney Docket No. 0107-0997-3

ON PETITION

This is a decision on the petition, filed August 14, 2000, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on February 15, 2000 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed August 14, 2000.

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The application is being forwarded to Technology Center 2800 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Examination Policy

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6286086	2001-09-04	09220127	1998-12-23	NUM.0100US (97-AG-206)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Timothy N. Trop/	Date (YYYY-MM-DD)	2010-07-20
Name	Timothy N. Trop	Registration Number	28994

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6286086
Issue Date: September 4,2001
Application No. 09220127
Filed: December 23,1998
Attorney Docket No. NUM.0100US

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 20,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 20,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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 Patent No. 6216956
Issue Date: April 17,2001
Application No. 09220129
Filed: December 23,1998
Attorney Docket No. T0395/7014/R

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed October 19,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 19,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6216956	2001-04-17	09220129	1998-12-23	ELU000P

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/patricia a kurlin/	Date (YYYY-MM-DD)	2009-10-19
Name	Patricia A. Kurlin, VP & General Counsel		
Enter Reel and Frame Number		Remove	
Reel Number	014420	Frame Number	0323
Enter Reel and Frame Number		Remove	
Reel Number	018923	Frame Number	0582
Enter Reel and Frame Number		Remove	
Reel Number	010485	Frame Number	0119
Enter Reel and Frame Number		Remove	
Reel Number	014428	Frame Number	0822
Enter Reel and Frame Number		Remove	
Reel Number	010526	Frame Number	0408
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 5988181
Issue Date: November 23,1999
Application No. 09220181
Filed: December 23,1998
Attorney Docket No. MERITUS-3.0-

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed December 11,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 11,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
5988181	1999-11-23	09220181	1998-12-23	MBC-081243

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Jody L. Factor/	Date (YYYY-MM-DD)	2008-12-11
Name	Jody L. Factor	Registration Number	34157

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

SUGHRUE MION ZINN MacPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3202

COPY MAILED

APR 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Kiyoo Morita et al	:	
Application No. 09/220,336	:	DECISION ON PETITION
Filed: December 24, 1998	:	
Attorney Docket No. Q52818	:	

This is a decision on the petition, filed May 8, 2002, which is being treated as a request under 37 CFR 3.81(b) to delete the named assignee appearing on the Fee(s) Transmittal form PTOL-85(b).

The request is **GRANTED**.

If the printing of the patent has progressed to the point where the assignee's name cannot be deleted from Letters Patent, petitioner may request a Certificate of Correction

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3218. Any questions concerning the issuance of this application or issuance of a certificate of correction should be directed to (571) 272-4200.

It is noted that a petition under 37 CFR 1.48(a) to correct the inventorship in this application was filed on February 20, 2002, but no action appears to have been taken on this petition. Accordingly, this matter is being referred to the Primary Examiner in Technology Center AU 2627 for appropriate action on the petition to correct inventorship.[1]

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *Note* MPEP 1002.02(e)

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

THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST. LOUIS, MO 63101

COPY MAILED

JAN 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Johnson, et al.	:	
Application No. 09/220,617	:	ON PETITION
Filed: December 24, 1998	:	
Attorney Docket No. 6029-7976	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 10, 2004, to revive the above-identified application.

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 1.137(b)."

This application became abandoned for failure to timely file a proper reply to the final Office action mailed March 25, 2004. A three month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is September 26, 2004. A Notice of Abandonment was mailed on November 29, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an

application, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed March 25, 2004. Accordingly, in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be one of the following:

- a Notice of Appeal and appeal fee;

- an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;

- the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995; or

- the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

The amendment filed December 10, 2004 has been reviewed by the Examiner and it does not place the application in condition for allowance. As such, the required reply has not been submitted and the petition must be dismissed.

A courtesy copy of the PTOL-303 Advisory Action is attached to the instant decision. However, please note, this courtesy copy of the advisory form PTOL-303 merely serves as an advisory notice to the Office of Petitions regarding the decision of the examiner on the amendment after final rejection.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

Attachment:
Courtesy Copy of PTOL-303

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

THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST. LOUIS, MO 63101

COPY MAILED

MAR 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Johnson, et al.	:	
Application No. 09/220,617	:	ON PETITION
Filed: December 24, 1998	:	
Attorney Docket No. 6029-7976	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the final Office action mailed March 25, 2004. A three month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is September 26, 2004. A Notice of Abandonment was mailed on November 29, 2004.

The Examiner has stated to this office that the amendment, filed February 22, 2005, will be entered upon revival of the application.

The file is being forwarded to Technology Center 1600 for further examination *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 10-25-01

Paper No.: 17

TO : Supervisor, Art Unit 3751

SUBJECT : Certificate of Correction Request in Patent No.: 6210064

A response to the following question(s) is requested with respect to the accompanying request for a certificate of correction.

- [ ] 1. Would the change(s) requested, under 37 C.F.R. 1.323, correcting Applicant/Attorney's (A or Atty.) errors, constitute new matter or require reexamination of the application?
- [ ] 2. Would the change(s) requested, under 37 C.F.R. 1.323, correcting Applicant/Attorney's (A or Atty.) errors, materially affect the scope or meaning of the claims allowed by the examiner in the patent?
- [ ] 3. Applicant disagrees with change(s) initialed and dated by Examiner in lieu of an Examiner's Amendment. Should the change request be granted?
- [x] 4. With respect to the change(s) requested, correcting Office and/or printing (O, Off, C, and/or P) errors, should the patent read as shown in the certificate of correction?
- [ ] 5. If the amendment filed _____ had been considered by the Examiner, would the amendment have been entered?

PLEASE RESPOND WITHIN 7 DAYS AND RETURN THE FILE TO

PALM LOCATION. 7580,
CERTIFICATES OF CORRECTION BR, PARK 3 –915/922,
Thank you

E. James
Legal Instrument Examiner
Tel. No.

PLEASE CHECK THE BOX(ES) BELOW CORRESPONDING TO THE BOXES CHECKED FOR QUESTION(S) ABOVE AND RETURN FILE TO: PALM LOCATION 7580, CERT. OF CORREC. BR., PK 3 –915/922

Please do not send to warehouse Thanks

DATE:

The decision regarding the change(s) requested in the certificate of correction is shown below.

[ ] 1.YES	[ ] NO	[ ] Comments below
[ ] 2.YES	[ ] NO	[ ] Comments below
[ ] 3.YES	[ ] NO	[ ] Comments below
[x] 4.YES	[ ] NO	[ ] Comments below
[ ] 5.YES	[ ] NO	[ ] Comments below

APPROVED
NOV 27 2001
Bernadette D. Queen
FOR THE COMMISSIONER OF PATENTS

[ ] Comments _____

Supervisor

GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
Art Unit

PTOL-306 (REV. 10/87)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

Paper No. 28

Joseph R. Keating
Keating & Bennett
10400 Eaton Place, Suite 312
Fairfax, VA 22030

COPY MAILED

OCT 2 4 2003

OFFICE OF PETITIONS

In re Application of :
Tsukasa Yamamoto et al. :
Application No. 09/221,656 :
Filed: December 23, 1998 :
Attorney Docket No. 38413.7 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed August 8, 2003, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed January 23, 2002, certificate of mailing dated November 8, 2001, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the-above-identified application became abandoned on January 9, 2002. See MPEP 1215.04.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 3628.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,102,702	2000-08-15	09/221,737	1998-12-28	CALLN-013A

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/kms/	Date (YYYY-MM-DD)	2009-12-17
Name	Kit M. Stetina	Registration Number	29445

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6102702
Issue Date: August 15,2000
Application No. 09221737
Filed: December 28,1998
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed December 17,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 17,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 27

COPY MAILED

NOV 2 7 2001

OFFICE OF PETITIONS

WILLIAM E BOOTH
FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON MA 02110-2804

In re Application of
Reeh, et al.
Application No. 09/221,789
Filed: December 28, 1998
Attorney Docket No. 12406-003001

ON PETITION

This is a decision on the petition filed on September 10, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, mailed February 15, 2001, which set a shortened statutory period for reply of three (3) months. Petitioner replied with a Continued Prosecution Application (CPA) on August 15, 2001 (made timely by a three month extension of time). Because an earlier CPA had been filed on or after May 29, 2000[1], the CPA was instead treated as a Request for Continued Examination (RCE). However, the RCE was improper because, under 37 CFR 1.114, an RCE is not permitted unless prosecution in the application is closed.[2] Moreover, the RCE was not accompanied by the required submission. No further response having been received, the above-identified application became abandoned on August 16, 2001. Petitioner filed an amendment on September 10, 2001 (certificate of transmission dated August 24, 2001), after the application had already gone abandoned. Accordingly, the amendment was not entered. A Notice of Improper RCE was mailed on August 29, 2001. The instant petition precedes the mailing of a Notice of Abandonment.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply to the non-final Office action in the form of an amendment, paid the petition fee, and made a statement of unintentional delay. 37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Because the RCE filed on August 15, 2001 was not a proper response to the non-final Office action, the RCE and additional

---

[1] The earlier CPA was filed on September 12, 2000.

[2] See *Request for Continued Examination Practice and Changes to Provisional Application Practice; Final Rule,* 65 FR 50092 (August 16, 2000).

claims fees, totaling $908.00, has been refunded to Deposit Account 06-1050.

The application file is being forwarded to Technology Center 2800 for consideration of petitioner's amendment, filed September 10, 2001.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Christina Tartera Donnell for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 34

Fish & Richardson PC
225 Franklin St.
Boston, MA 02110

OCT 23 2003

In re Application of
Ulrike Reeh et al.
Application No.: 09/221,789
Filing Date: December 28, 1998
Attorney Docket No.: 12406-003001

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) filed on July 3, 2003. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper reply to the Office action mailed on January 02, 2002. A Notice of Abandonment was mailed on June 25, 2003.

Petitioner asserts that a response to the Office action of January 2, 2002 was timely submitted to the Patent and Trademark Office (PTO). To support this assertion, petitioner has submitted a copy of the response (a "response", a check in the amount of $110.00 and a petition for a one month extension of time) and a copy of a stamped return postcard which properly identifies and acknowledges receipt of the response by the PTO on May 10, 2002.

A review of the application file record reveals that the above-identified response having been acknowledged as being received in the PTO on May 10, 2002 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "(a) postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely received but lost after receipt thereof.

The copies of the "response" and the petition for a one month extension of time each include a Certificate of Mailing dated May 2, 2002 so the response would have been a timely response to the Office action of January 2, 2002 if the original response had been matched with the application file. In addition, Office records show that the $110.00 check was received on May 10, 2002 and posted on May 14, 2002.

For the above stated reasons, the petition is granted. The Notice of Abandonment mailed June 25, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The copy of the response submitted with the petition on July 3, 2003 is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response as well as the Information Disclosure Statement (IDS) filed with the petition on July 3, 2003. The application file will then be forwarded to the examiner for appropriate action in due course.

Edward Westin

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

FISH & RICHARDSON PC
225 FRANKLIN ST.
BOSTON MA 02110

COPY MAILED

MAR 2 9 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ulrike Reeh et al :
Application No. 09/221,789 :
Filed: December 28, 1998 :
Attorney Docket No. 12406-003001 :

This is a decision on the petition, filed March 28, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 22, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2815 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUN 12 2000

Paper No. 8

In re Application of	:	
Mark Rasper	:	DECISION ON PETITION
Application No. 09/222,282	:	
Filed: December 28, 1998	:	
For: Knife Indexing Apparatus		

This is a decision on the petition filed on May 25, 2000 requesting that the finality of the Office letter dated May 9, 2000 be withdrawn. The petition is considered pursuant to 37 CFR § 1.181, and no fee is required for the petition. A refund of the $130.00 petition fee tendered will be scheduled.

The petition is denied.

Petitioner sets forth the facts upon which relief is requested, and a review of the file confirms that the facts are as follows:

1. The instant application was filed on December 28, 1998.

2. As filed, the instant application claims benefit of provisional application 60/070,405.

3. Provisional patent application 60/070,405 was filed on January 5, 1998.

4. In response to a restriction requirement promulgated on December 22, 1999, petitioner filed an election to prosecute claim 1 on January 4, 2000.

5. In an Office letter dated February 10, 2000, claim 1 was rejected under 35 USC 103(a) as being unpatentable over the patent to Bailey in view of the patent to Cavelli.

6. The patent to Bailey issued on June 9, 1998 on an application filed on April 15, 1997.

7. On March 8, 2000, petitioner replied to the Office letter dated February 10, 2000 by traversing the rejection on the grounds that petitioner was entitled to benefit of the provisional application date of January 5, 1998, and that the Bailey patent was therefore unavailable as prior art in a section 103(a) rejection.

8.. In the Office letter dated May 9, 2000, the rejection of claim 1 was repeated on the grounds that the claim was unpatentble under 35 USC 103(a) over the patent to Bailey in view of the patent to Cavelli, "as set forth in the previous Office action". This letter was made final.

9. In response to the arguments presented by petitioner regarding the unavailability of the Bailey patent as prior art because of petitioner's entitlement to the filing date of the provisional application, the Office letter dated May 9, 2000 included a reply to the effect that the Bailey patent qualified as prior art under 35 USC 102(e) because the filing date of the Bailey patent was earlier than the filing date of petitioner's provisional patent application. The examiner concluded that for this reason, it was proper to apply the Bailey patent as prior art in an obviousness rejection under 35 USC 103(a).

As discussed below, these facts fail to demonstrate that the examiner committed clear error, or abused his discretion by acting in an arbitrary or capricious manner in making the Office letter dated May 9, 2000 final.

MPEP 706.07(a) *requires* that the second Office action on the merits (patentability of the claims) be made final except where the examiner introduces a new ground of rejection of the claims not necessitated by applicant's amendment of the claims. Here, the original claim was not amended, and the second action on the merits repeated exactly the same rejection of that claim as was set forth in the first action on the merits. Petitioner appears to be confusing the examiner's reply to petitioner's traverse of the first Office action on the grounds that "the Bailey patent is unavailable as a 35 USC 103(a) reference" with a new ground of rejection. The examiner's reply to petitioner's traverse merely pointed out that on the facts of this case, the examiner considered that entitlement to the benefit of the provisional application filing date did not remove the Bailey patent from the status of prior art, because the Bailey patent qualified as prior art under 35 USC 102(e). Because the examiner believed that Bailey patent qualifies as prior art under 35 USC 102(e), the examiner maintained the 35 USC 103(a) initially advanced in the first Office action. Stating this belief did not change the grounds of rejection in the final action, or convert the rejection into a rejection that differed from the rejection made in the first Office action. No anticipation rejection under 35 USC 102(e) was made in the final Office action.

Because the final action contains the same ground of rejection that was made in the first Office action and does not contain any new ground of rejection, it appears that the examiner acted properly in making the second Office action final. The presence of the examiner's reply to petitioner's argument that the provisional application renders the Bailey patent unavailable as a reference does not constitute a new ground of rejection, especially since no new interpretation of the teachings of the Bailey patent are relied upon in the section 103 rejection. Petitioner is not entitled to the relief requested in the petition merely because of the reply by the examiner to petitioner's argument.

Any request for reconsideration of this decision must be filed within two months from the date of the decision, 37 CFR § 1.181(f). Petitioner is reminded that the filing of the petition does not stay the running of the shortened statutory period for filing a reply to the final Office action dated May 9, 2000, and that the filing of a request for reconsideration of this decision will not stay the running of that shortened statutory period.

PETITION DENIED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

RUSSELL L. JOHNSON
P. O. BOX 161
WEYAUWEGA, WI 54983

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUL 21 2000

Paper No. 10

In re Application of	:	
Mark Rasper	:	DECISION ON REQUEST
Application No. 09/222,282	:	FOR RECONSIDERATION
Filed: December 28, 1998	:	
For: Knife Indexing Apparatus		

This is a decision on petitioner's request for reconsideration of the decision dated June 12, 2000 denying the original petition to withdraw the finality of the Office letter dated May 9, 2000. The request for reconsideration was timely filed on July 10, 2000.

The request for reconsideration is denied.

Familiarity with the original petition and the decision therein is presumed. In brief, in the first Office action, the examiner advanced a rejection for obvious under 35 USC 103 based upon two United States patents considered together, the Bailey patent and the Cavalli patent. In reply, petitioner argued petitioner was entitled to benefit of a provisional application and that the Bailey patent was therefore not available as a prior art reference in a 35 USC 103(a). In the next Office action, the examiner repeated exactly the same rejection as was advanced in the first Office action, and made the action final. The final action included the examiner's comments that the Bailey patent was indeed qualified as prior art under 35 USC 102(e) because it had an earlier filing date than the filing date of the provisional patent.

Petitioner continues to rehash the arguments presented in the original petition. Again, no rejection under 35 USC 102(e) was ever made. The examiner merely replied to an argument made by petitioner that the Bailey patent was not prior art. The examiner's reply explained why the Bailey patent was indeed qualified as prior art. That the examiner's reply relied upon the words 35 USC 102(e) and the words contained within that statutory provision did not convert the examiner's rejection under 35 USC 103(a) to anything other than precisely that, a rejection under 35 USC 103(a). The examiner was clearly within the practice set forth at MPEP 706.07(a) in making the second action final.

Petitioner may wish to consider the decision of the United States Court of Customs and Patent Appeals entitled *In re Wertheim and Mishkin*, 646 F.2d 527; 209 U.S.P.Q. 554, April 9, 1981; Amended April 15, 1981. The following language appears in the decision, beginning at 209 U.S.P.Q. 560:

"While nowhere in Title 35 are the words 'prior art' defined, the Senate and House Reports accompanying the 1952 [**15] Patent Act state:

> [Section 103] refers to the difference between the subject matter sought to be patented and the prior art, meaning what was known before as described in Section 102. S.Rep. No. 1979, 82d Cong., 2d Sess., U.S. Code Cong. & Admin. News at 2399.

Additionally, one draftsman of and the commentator on the 1952 Act, P.J. Federico, commented that:

> The antecedent of the words "the prior art" * * * lies in the phrase "disclosed or described as set forth in Section 102" and hence these words refer to the material specified in Section 102 as the basis for comparison. Federico, Commentary On The New Patent Act, 35 USCA p. 1 at 20 (1954).

Commensurate with the Senate Report and Mr. Federico's commentary, we have held that the term 'prior art' refers 'to at least the statutory prior art material named in § 102.' In re Yale, 52 CCPA 1668, 347 F.2d 995, 146 USPQ 400 (1965). See In re Harry, 51 CCPA 1541, 333 F.2d 920, 142 USPQ 164 (1964).

In Hazltine, the court stated that earlier-filed applications for patents of another describing, although not necessarily claiming, the invention claimed in a later filed application, are prior art under § 102(e) and are available [**16] for consideration in support of a § 103 obviousness rejection of the later-filed application. See In re Bowers, 53 CCPA 1590, 359 F.2d 886, 149 USPQ 570 (1966). And, for purposes of both § 102 and § 103 analysis, they are prior art as of their filing dates. "

After considering the above, petitioner may wish to note that the *Wertheim* case involved a rejection *specifically phrased as being a rejection under §§ 102(e)/103*, for example at 209 U.S.P.Q. 557 wherein the Court stated:

> "After considering four motions by Pfluger, the Primary Examiner moved *sua sponte* to dissolve the interference and granted his own motion. In support of his decision, he stated that the claims copied by Wertheim were unpatentable under 35 USC 102(e) and/or 35 USC 103..."

and again at page 560 wherein the Court stated:

> "The §§ 102(e)/103 rejection, thus, is one utilized where § 102(e) alone may fail because not every material limitation of the claimed invention is disclosed in the reference. That reference, referred to as 'prior art' in § 103, may be combined with another to support an obviousness rejection. See In re Caveney, 55 CCPA 721, 386 F.2d 917, 155 USPQ 681 (1967)."

On the other hand, the petitioner should take note of the fact that in the present application, the examiner did not make a rejection under §§ 102(e)/103 in either the first action or the final action.

The examiner made only aSection 103(a) obviousness rejection in each action, and exactly the same rejection in each action. In answer to petitioner's traverse of the first action rejection, the examiner simply informed petitioner of the hornbook principle that the Bailey patent qualified as prior art notwithstanding petitioner's reliance on petitioner's provisional application, because the Bailey patent satisfied the language of 35 USC 102(e), which forms part of the "definition" of the term "prior art". In doing so, the examiner did not apply the Bailey patent in any Section 102 rejection, or make a premature final rejection.

The request for reconsideration has been granted to the extent that the Decision on Petition dated June 12, 2000 has been reconsidered in light of the request, but is denied with respect to granting any of the relief requested therein.

RECONSIDERATION DENIED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Russell L. Johnson
P.O. Box 161
Weyauwega, WI 54983

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

In re Application of	: DECISION ON PETITION UNDER
Guy Story et al.	: 37 CFR 1.97(d) FOR
Serial No. 09/222,336	: CONSIDERATION OF
Filed: December 28, 1998	: INFORMATION DISCLOSURE
For: LICENSE MANAGEMENT FOR	: STATEMENT AFTER FINAL
DIGITAL CONTENT	: REJECTION
	:

The petition under 37 CFR 1.97(d), filed 1/21/2003 for consideration of an information disclosure statement has been:

[ ] GRANTED. The information disclosure statement will be considered by the examiner.

[X] DENIED.

[ ] It was filed after payment of the issue fee. See 37 C.F.R. 1.97(d).

The petition lacks:

[ ] The required fee under 37 CFR 1.97(d)(2) and 1.17(p).

[X] A proper certification as specified in 37 CFR 1.97(d)(1) and 1.97(e).

The information disclosure statement filed in this application has been filed After Final Rejection (final mailed 2/25/2002) and has been constructively treated as a petition to consider the IDS under 37 CFR 1.97(d).

The information disclosure statement has been placed of record in the file but has not been considered by the examiner.

Eric W. Stamber
SPE, Art Unit 3622

Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 28

Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025

COPY MAILED

SEP 1 2 2003

OFFICE OF PETITIONS

In re Application of :
Guy A. Story Jr. et al. :
Application No. 09/222,336 :
Filed: December 28, 1998 :
Attorney Docket No. 02541.P009 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2003, to revive the above-identified application.

The petition is Granted.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 25, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 26, 2002.

The application file is being forwarded to Technology Center AU 3622.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

BROWN, RUDNICK, BERLACK & ISRAELS, LLP.
BOX IP, 18TH FLOOR
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

JUL 1 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Story et al.	:	
Application No. 09/222,336	:	ON PETITION
Filed: December 28, 1998	:	
Attorney Docket No. 25967/5US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 1, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Appeal Brief and fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This matter is being referred to Technology Center 3600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

CC:

BROWN RUDNICK
SEVEN TIMES SQUARE
NEW YORK, NY 10036

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

COPY MAILED

JUN 15 2001

OFFICE OF PETITIONS
A/C PATENTS

JOHN W. RYAN
IGEN INC.
16020 INDUSTRIAL DRIVE
GAITHERSBURG, MD 20877

In re Application of
Yang, et al.
Application No. 09/222,443
Filed: December 29, 1998
Attorney Docket No. 17100

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 21, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on August 4, 2000. The application was abandoned for failure to timely submit a proper response to the final Office action mailed May 3, 2000. The final Office action set a three (3) month shortened statutory period for reply. No extensions of time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed December 6, 2000.

The Notice of Appeal filed May 21, 2001 has been entered and made of record. Accordingly, the two (2) month period for filing the appeal brief, in triplicate, accompanied by the requisite fee, runs from the mail date of this decision.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Application No. 09/222,443

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $890.00 extension of time fee submitted with the instant petition was subsequent to the maximum period obtainable for reply, this fee is unnecessary. A refund to deposit account No. 50-0540 has been requested from the Office of Finance, Refund Section.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703)305-0310.

for Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: BARRY EVANS
KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 THIRD AVENUE
NEW YORK, NEW YORK 10022

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 Patent No. 6238038
Issue Date: May 29,2001
Application No. 09222697
Filed: December 29,1998
Attorney Docket No. Q052845

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed December 11,2006 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 11,2006. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6238038	2001-05-29	09222697	1998-12-29	Q52845

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/DJCushing/	Date (YYYY-MM-DD)	2006-12-11
Name	David J. Cushing	Registration Number	28703

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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.

NORTID-00221

UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
MAR 0 5 2004
PATENT & TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

AUG - 8 2003
DAVIS MUNOK

DOCKET CLERK
P.O. DRAWER 800899
DALLAS TX 75380

Paper No.
COPY MAILED
AUG 0 4 2003
OFFICE OF PETITIONS
ON PETITION

In re Application of
Denny Lsndaveri et al
Application No. 09/222,806
Filed: December 30, 1998
Attorney Docket No. 03384.0325-0

This is a decision on the petition, filed by facsimile transmission on August 1, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 12, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 2662 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

DOCKETED
AUG 0 8 2003

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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 Patent No. 6584199
Issue Date: June 24,2003
Application No. 09222929
Filed: December 30,1998
Attorney Docket No. 0465-0540P-S

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed June 25,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 25,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6584199	2003-06-24	09222929	1998-12-30	0465-0540P-S

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2008-06-25
Name	Kendal M. Sheets	Registration Number	47077

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 27

STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
SUITE 600
WASHINGTON, DC 20005-3934

COPY MAILED

JAN 0 9 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Van Hook et al :
Application No. 09/223,046 : ON PETITION
Filed: December 30, 1998 :
Attorney Docket No. 0056.10US. :

This is a decision on the petition, filed December 21, 2000, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The application is being forwarded to Technology Center 2700 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 54

STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

FEB 13 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Timothy J. Van Hook et al
Application No. 09/223,046
Filed: December 30, 1998
Attorney Docket No. 0056.10US

This is a decision on the petition, filed December 30, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 10, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 2154 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

MAR 18 2005

OFFICE OF PETITIONS

In re Application of Van Hook et al. Application No. 09/223,046 Filed: December 30, 1998 Attorney Docket No. 0056.10US Title: METHOD FOR PROVIDING EXTENDED PRECISION IN SIMD VECTOR ARITHMETIC OPERATIONS	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 30, 2003, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on December 30, 1998, without an executed oath or declaration. Accordingly, on January 25, 1999, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of March 25,1999. Applicant responded on March 12, 1999. On March 31, 1999 the Office mailed a Notice of Incomplete reply, indicating the signatures of the 2nd, 3rd, 4th and 5th inventors were missing. A reply was received on May 3, 1999.

It is noted that petitioner contends that 1.47 status was granted in the parent application (08/947,648). However petitioner is unable to obtain a copy of the decision granting 47 status. A review of Office records shows that it does not appear that 47 status was ever granted in the parent application. Accordingly, petitioner must obtain 47 status for the above -identified application.

It should also be noted a petition under 37 CFR 1.47(b) is only appropriate when all of the inventors do not sign the declaration. Under 37 CFR 1.47(b) it may be appropriate for an attorney of record to execute a declaration on behalf of an assignee. Where at least one inventor executes a declaration, a petition under 37 CFR 1.47(a) is appropriate. Under 37 CFR 1.47(a), 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. The declaration was executed by an improper party (the former attorney). However, the record does contain a declaration that does not contain the signature of James P. Hao on behalf of inventor Van Hook. Consequently, a new declaration is not required. The declaration containing James P. Hao's signature should not be used in any future filings.

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 instant petition does not satisfy requirement (1).

As to item (1), rule 47 applicant has failed to show that inventor Timothy Van Hook refused to execute the application papers after having been presented with a copy of the application papers. Before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 872-9306
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
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

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

AUG 01 2005

OFFICE OF PETITIONS

In re Application of
Timothy Van Hook, Peter Hsu, William Huffman, Henry Moreton and Earl Killian
Application No. 09/223,046
Filed: December 30, 1998
Attorney Docket Number: 0056.10US
Title of Invention: METHOD FOR PROVIDING PRECISION IN SIMD VECTOR ARITHMETIC OPERATIONS

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 18, 2005.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Van Hook has refused to join in the filing of the above-identified application after having been presented with the application papers. The affidavit of LuAnne M. De Santis attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor orally refused to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), 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.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
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

Timothy J. Van Hook
224 Oakgrove Avenue
Atherton, CA 94027

COPY MAILED

AUG 0 1 2005

OFFICE OF PETITIONS

In re Application of
Timothy Van Hook, Peter Hsu, William Huffman, Henry Moreton and Earl Killian
Application No. 09/223,046
Filed: December 30, 1998
Attorney Docket Number: 0056.10US
Title of Invention: METHOD FOR PROVIDING PRECISION IN SIMD VECTOR ARITHMETIC OPERATIONS

: LETTER

Dear Mr. Van Hook:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (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 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005
ATTN: DONALD J. FEATHERSTONE

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

COPY MAILED

OCT 0 4 2006

Director's Office
Office of Patent Publication

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
Timothy Van Hook, et al. :
Application No. 09/223,046 : **DECISION ON PETITION**
Filed: December 30,1998 :
Attorney Docket No. 0056.10US. :

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181, received in the United States Patent and Trademark Office (USPTO) on June 30, 2006.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice of Allowance and Fee(s) Due, mailed September 14,2005, which set a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed May 9, 2006.

Petitioner states that Applicant submitted the Issue Fee Transmittal on December 13, 2005 with the understanding that two previously paid issue fee and publication fee would be re-applied. Also, submitted were an Amendment Under 37 CFR 1.312 and replacement drawing. Petitioner request refunds of overpaid fees.

In support of this assertion, Petitioner has submitted a copy of Part B - Fee(s) Transmittal (Transmittal), and a copy of a return postcard, which acknowledges receipt of the Fee(s)Transmittal, Amendment Under 37 CFR 1.312, replacement drawing sheet, Request for Refund, and copies of two previously submitted Issue Fee Transmittal on December 13, 2005 by the USPTO, as evidenced by the "Office Date" stamp thereon.

MPEP 503 states the following:

> A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn.

As requested, the issue fee previously paid on December 10, 2003 will be re-applied to the Fee(s) Transmittal received December 13, 2005. The request for any other overpayment will be forwarded to the Office of Finance.

The Amendment will be forwarded Examiner, Larry Donaghue, Art Unit 2154, for consideration.

The application will be forwarded to the Publishing Division to be processed into a patent.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Patent Publication at 703-308-9250 ext 163.

Nina Motley
Quality Control Assistant
Office of the Director
Office of Patent Publication

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 Patent No. 6188779
Issue Date: February 13,2001
Application No. 09223428
Filed: December 30,1998
Attorney Docket No. 08342/02100

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 9,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 9,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,188,779	2001-02-13	09/223,428	1998-12-30	14722-0031001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Denis G. Maloney/	Date (YYYY-MM-DD)	2009-07-09
Name	Denis G. Maloney	Registration Number	29670

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUL 2 2003

td

Mailed: Paper Number 26

In re application of
Franz Kraemling
Serial No. 09/223,472
Filed: December 30, 1998
For: ELECTROPLATING CELL BASED UPON ROTATIONAL PLATING SOLUTION FLOW

DECISION ON PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO REOPEN PROSECUTION AFTER APPEAL DUE TO A NEW GROUND OF REJECTION IN EXAMINER'S ANSWER filed on May 30, 2003.

On January 6, 2003, an appeal brief was filed by applicants. On March 26, 2003, an Examiner's Answer was mailed in response to said brief.

On May 30, 2003 the instant petition under 37 CFR 1.181 was timely filed to formally request reopening of prosecution due to a new ground of rejection raised in the Examiner's Answer.

DECISION

Petitioner argues that the Examiner's Answer contains an impermissible new ground of rejection. On page 8 of the answer, the Examiner states "If the nozzles are parallel to the plate electrodes, then they are clearly at an angle, in this case a right angle, other than normal to the surface of the plate electrodes.". Petitioner argues that the Answer provides the first interpretation by the examiner of "an angle." It is Petitioner's position that the interpretation of the word "angle,", newly provided in the Answer is a new ground of rejection. Petitioner states that "Appellant has not previously been aware that the Examiner has taken "angle" to include "parallel" or "an angle of 0°."

Section 1208.01 of the MPEP states:

37 CFR 1.193(a)(2) prohibits the entry of a new ground of rejection in an examiner's answer. At the time of preparing the answer to an appeal brief, however, the examiner may decide that he or she should apply a new ground of rejection against some or all of the appealed claims. In such an instance where a new ground of rejection is necessary, the examiner should reopen prosecution. The examiner must obtain supervisory approval in order to reopen prosecution after an appeal. See MPEP § 1002.02(d).

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See In re Kronig, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976).

Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. Id. at 1303, 190 USPQ at 427 (reliance upon fewer references in affirming a rejection under 35 U.S.C. 103 does not constitute a new ground of rejection).

In the instant application, the statutory basis for the rejection remains the same as that which was set forth in the final rejection. In response to Petitioner's argument that the Examiner raised the issue of "an angle" including parallel and "an angle of 0°" for the first time in the Examiner's Answer thereby not giving Appellants a chance to respond to this position, attention is directed to the Office Action mailed October 23, 2001. On page 4, lines 3-5, the Examiner states "It is noted that the expression "an angle" includes angles extending from essentially zero degrees to 180 degrees." Next, turning to Applicant's response filed February 14, 2002, on page 8, last paragraph, Applicants state "The Examiner argues that the claim "an angle" includes angles extending from essentially 0° to 180°." From the record, it is clear that the Examiner's position set forth in the Examiner's Answer regarding the definition of "an angle" was not only presented by the Examiner in a previous Office Action, but also acknowledged by Applicants in a response. Therefore, the basic thrust of the rejection remains the same in the Examiner's Answer such that Appellants have been given a fair opportunity to react to the rejection.

Accordingly, the petition is **DENIED**. The Application remains under Appeal and will be forwarded to the Board of Appeals for consideration thereof.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

MICHAEL A BERNADICOU
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1026

Pet. Dec.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: 4/19/05

MEB
Paper Number:

In re application of
Kevin J. Lee
Serial No. 09/223,472
Filed: December 30, 1998
For: Electroplating Cell Based Upon Rotational Plating Solution Flow

DECISION ON PETITION

This is a response to the request to rescind the Notice of Abandonment, mailed November 16, 2004. This request is treated as a PETITION TO WITHDRAW ABANDONMENT, under 37 C.F.R. 1.181 (no fee required). The petition requests that the abandonment, as set forth in the Notice of Abandonment of November 16, 2004, for failure to timely reply to the Board of Appeals decision of September 2, 2004, be withdrawn. The petitioner asserts that the response was timely filed on November 2, 2004.

DECISION

USPTO records show that an appropriate response to the Board of Appeals decision of September 2, 2004 was filed with the office on November 5, 2004, with a Certificate of Mailing date of November 2, 2004, thus making the response timely. The application will be forwarded to the examiner for processing and consideration of the papers filed November 5, 2004.

The Petition is **Granted**.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Mark A. Kupanoff
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030

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

Paper No. None

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO CA 94111-4067

COPY MAILED
MAY 24 2006
OFFICE OF PETITIONS

In re Application of
Wei Ming Hu et al.
Application No. 09/223,660
Filed: December 30, 1998
Attorney Docket Number:
237/117
Title: METHOD AND SYSTEM FOR DIAGNOSTIC PRESERVATION OF THE STATE OF A COMPUTER SYSTEM

DECISION ON PETITION

This is a decision on the petition filed April 13, 2006, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to

1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. §1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

the Notice of Allowance and Issue Fee Due, mailed July 12, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting formal drawings or issue fees[2]. Accordingly, the above-identified application became abandoned on October 13, 2005. A Notice of Abandonment was mailed on February 27, 2006.

With the present petition, Petitioner has submitted corrected drawings, and has asserted that the Notice of Allowance and Issue Fee Due was not received. Both the petition fee and the issue fee have been charged to Petitioner's Deposit Account, as authorized in the petition.

Petitioner has met requirements (2) and (3) of 37 C.F.R. §1.137(a). The fourth requirement is not applicable.

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action in full. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed[3]. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(a)(1) (i.e., both the issue fee and acceptable corrected drawings). As indicated above, the issue fee has been charged to Petitioner's Deposit Account. The drawings Petitioner has submitted cannot be accepted however, for they have been reviewed by the Draftsperson and have been objected to. A Notice of Draftsperson's Patent Drawing Review has been enclosed with this decision.

Regarding the alleged non-receipt of the Notice of Allowance and Issue Fee Due, a discussion follows:

RELEVANT PORTION OF THE MPEP

MPEP 711.03(c) states, in part:

> PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION
>
> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning

2 See MPEP §710.02(e).
3 See M.P.E.P. 711.03(c).

of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 CFR 1.137(a) based upon unavoidable delay; and (2) a petition under 37 CFR 1.137(b) based on unintentional delay.

See also 1156 O.G. 53 (October 25, 1993), which may be viewed at http://www.uspto.gov/web/offices/com/sol/og/con/files/cons074.htm.

Petitioner has not established non-receipt of the Notice of Allowance and Issue Fee Due, for although he has included a statement that the Office communication was not received by the Practitioner, he has not:

- Attested to the fact that a search of the file jacket and docket records indicates that the Office communication was not received, and;
- Provided a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

CONCLUSION

In view of the above, this petition must be **DISMISSED**.

Any request for reconsideration of this decision under 37 C.F.R. §1.137(a) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The request for reconsideration should include a cover letter entitled " Renewed Petition under 37 C.F.R. §1.137(a)," and should only address the deficiencies noted in this decision.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. Any renewed petition may be submitted by mail[4], hand-delivery[5], or facsimile[6].

The alternate petition under 37 C.F.R. §1.137(b) will be held in abeyance so as to afford Petitioner the opportunity to file a renewed petition under the unavoidable standard. If Petitioner would prefer to seek revival under the unintentional standard, a response to this decision should be submitted with words to this effect.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300 - please note this is a central facsimile number.

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

Paper No. None

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO CA 94111-4067

COPY MAILED

OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of Wei Ming Hu et al. Application No. 09/223,660 Filed: December 30, 1998 Attorney Docket Number: 237/117 Title: METHOD AND SYSTEM FOR DIAGNOSTIC PRESERVATION OF THE STATE OF A COMPUTER SYSTEM	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.137(A)

This is a decision on the renewed petition filed June 30, 2006, under 37 C.F.R. §1.137(a)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 12, 2005, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal

1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. §1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. §1.20(d)) required pursuant to paragraph (d) of this section.

drawings or issue fees[2]. Accordingly, the above-identified application became abandoned on October 13, 2005. A Notice of Abandonment was mailed on February 27, 2006.

In the original petition, it was asserted that the notice was not received. The original petition was received on April 13, 2006, and was dismissed via the mailing of a decision on May 24, 2006 for failure to submit acceptable drawings, for failure to attest to the fact that a search of the file jacket and docket records indicates that the Office communication was not received, and for failure to provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With this renewed petition, each of these deficiencies has been rectified. Consequently, the renewed petition is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the Notice of Allowance and Issue Fee Due of July 12, 2005,and will set a new period for response.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Notice of Draftsperson's Patent Drawing Review

2 See MPEP §710.02(e).

Form PTO-948 (Rev. 06/03)
Application No. 09/223660

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 06/30/2006 are:

A. ✓ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ____ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)____

___ Pencil and non black ink not permitted. Fig(s)____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)____

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)____

___ Poor quality (half-tone). Fig(s)____

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)____

___ Erasures, alterations, overwritings. interlineations, folds, copy machine marks not accepted. Fig(s)____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)____

___ Drawings sheets not an acceptable size. Fig(s)____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)____

____Top (T) ____ Left (L)
____Right (R) ____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

____ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)____

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

___ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)____

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) ____

___ Solid black shading not permitted. Fig(s)____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)____

___ Figure legends are poor. Fig(s)____

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)____

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)____

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)____

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)____

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)____

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)____

COMMENTS:

Reviewer SON LAM

Date 09/29/2006

If you have questions, call (703) ~~305-8404.~~ 305-0333 (EXT. 133)

Attachment to Paper No. ____

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

Jerry L. Losee
P.O. Box 565
9321 E. Merrick Road
Lava Hot Springs, ID 83246

COPY MAILED

NOV 30 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:	
Jerry L. Losee	:	
Application No. 09/223,870	:	ON PETITION
Filed: December 31, 1998	:	
Attorney Docket No. 12434	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2000, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

The application file is being forwarded to Technology Center 3700.

Marianne Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 11

JERRY L. LOSEE
P O BOX 565
9321 E. MERRICK ROAD
LAVA HOT SPRINGS, ID 83246

COPY MAILED

JAN 03 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Jerry L. Losee :
Application No. 09/223,870 : ON PETITION
Filed: December 31, 1998 :
For: MULTI SHOP SOCKET TOOL :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2000, to revive the above-identified application. The decision mailed November 30, 2000 is vacated.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

The $620 check dated November 16, 2000 for the petition to revive fee received in the Patent and Trademark Office on November 17, 2000 was returned for insufficient funds. Accordingly, this application stands abandoned until such time as the $620 fee required under 37 CFR 1.137(b) is received. Additionally, a $50 returned check fee must also be submitted to revive the instant application.

The $620 petition fee and the $50 returned check fee should be submitted under a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 13

JERRY L. LOSEE
P O BOX 565
9321 E. MERRICK ROAD
LAVA HOT SPRINGS, ID 83246

COPY MAILED

APR 18 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Jerry L. Losee :
Application No. 09/223,870 :
Filed: December 31, 1998 :
For: MULTI SHOP SOCKET TOOL :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 3, 2001, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8859.

The application file is being forwarded to Technology Center 3700.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 20

JERRY L. LOSEE
P.O. BOX 565
9321 E. MERRICK ROAD
LAVA HOT SPRINGS ID 83246

COPY MAILED

FEB 0 5 2004

OFFICE OF PETITIONS
ON PETITION

In re Application of
Jerry L. Losee
Application No. 09/223,870
Filed: December 31, 1998
Title of Invention: MULTIPLE SHOP SOCKET TOOL

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2004, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 26, 2001. A shortened statutory period of one (1) month was set for replying to the non-Final Office Action. Accordingly, a Notice of Abandonment was mailed October 23, 2003.

Petitioner files the instant petition under 37 CFR 1.137(b). [1]

An amendment was filed February 26, 2002 but since no extension of time was obtained, the response was filed after the application became abandoned.

Additionally, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being forwarded to Technology Center 3723 for appropriate action on the amendment filed February 26, 2002.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
Jerry L. Losee
9253 Frandsen Road
Lava Hot Springs, ID 83246

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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

JJGJR.: 07-06

Paper No: __

THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN UT 84403

COPY MAILED

JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Losee	:	
Application No. 09/223,870	:	DECISION
Filing Date: 31 December, 1998	:	
Attorney Docket No.: 12434	:	

This is a decision on the petition filed on 26 May, 2006, alleging unintentional delay under 37 C.F.R. §1.137(b).

NOTES: **Petitioner herein appears to be the Applicant, however, there is no indication that a revocation/power of attorney was filed herein. In this connection, Petitioner must file of record the appropriate revocation/power of attorney.**

Moreover, the correspondence address of record are different than that shown on the papers submitted herein. However, Petitioner has submitted no formal change(s) in this regard.

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice of Change of Address (for correspondence) and Fee Address must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

(1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(b)[1] (as to unintentional delay) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)."

(2) Thereafter, there will be no further reconsideration of this matter.

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **DISMISSED**.

While the Notice of Abandonment states that the application went abandoned for failure to pay the fees due, it also is noted that the Notice of Allowance/Allowability and Fees Due (copy enclosed) set forth a drawings requirement for formal drawings, which does not appear to have been addressed or otherwise satisfied by Petitioner, and–out of an abundance of caution–it is for this reason that the instant petition is dismissed.

Petitioner, upon renewed petition, should satisfy and/or otherwise evidence satisfaction of this drawings requirement.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the final Notice of Allowance/Allowability and Fees Due mailed on 3 October, 2005 (the October 2005 Notice), with reply due under a non-extendable deadline on or before 3 January, 2006;

---

[1] Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §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 pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

- the instant application went abandoned after midnight 3 January, 2006;
- the Office mailed a Notice of Abandonment on 28 March, 2006;
- Petitioner filed the instant application (with fee), a reply in the form of fees due, and made the statement of unintentional delay–however, Petitioner has not satisfied the drawings requirement of the October 2005 Notice.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

---

[2] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

As to the Allegations
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

It appears, as noted above, that Petitioner has not satisfied the "reply" requirement under the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[8]

By mail: Commissioner for Patents[9]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

---

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[8] On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. Faxes sent to the old number no longer are routed to the new number. The number (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[9] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John L. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:
JERRY L. LOSEE
9253 FRANDSEN ROAD
LAVA HOT SPRINGS, ID 83246

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 10/03/2005

THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN, UT 84403

EXAMINER
MEISLIN, DEBRA S

ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 10/03/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,870	12/31/1998	JERRY L. LOSEE	12434	4410

TITLE OF INVENTION: MULTIPLE SHOP SOCKET TOOL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$0	$700	01/03/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 10/03/2005

THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN, UT 84403

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,870	12/31/1998	JERRY L. LOSEE	12434	4410

TITLE OF INVENTION: MULTIPLE SHOP SOCKET TOOL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$700	$0	$700	01/03/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
MEISLIN, DEBRA S	3723	081-124400

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. 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 1.14. This collection is estimated to take 12 minutes 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

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.
09/223,870	12/31/1998	JERRY L. LOSEE	12434	4410

7590 10/03/2005

THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN, UT 84403

EXAMINER
MEISLIN, DEBRA S

ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 10/03/2005

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	09/223,870	LOSEE, JERRY L.	
	Examiner	Art Unit	
	Debra S. Meislin	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed 9/22/05*.

2. ☒ The allowed claim(s) is/are *6-8*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☒ including changes required by ~~the attached Examiner's Amendment / Comment or in~~ the Office action of Paper No./Mail Date 3/22/05.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

D.S. MEISLIN
PRIMARY 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

JJGJR.: 04-07

Paper No: __

THOMPSON E. FEHR
GOLDENWEST CORPORATE CENTER
SUITE 300
5025 ADAMS AVENUE
OGDEN UT 84403

COPY MAILED

APR 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Losee	:	
Application No. 09/223,870	:	DECISION
Filing Date: 31 December, 1998	:	
Attorney Docket No.: 12434	:	

This is a decision on the petition filed on 14 September, 2006, alleging unintentional delay under 37 C.F.R. §1.137(b).

The Office regrets the delay in addressing this matter, however, the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the final Notice of Allowance/Allowability and Fees Due mailed on 3 October, 2005 (the October 2005 Notice), with reply due under a non-extendable deadline on or before 3 January, 2006;

- the instant application went abandoned after midnight 3 January, 2006;

- the Office mailed a Notice of Abandonment on 28 March, 2006;
- Petitioner filed the original application (with fee), a reply in the form of fees due, and made the statement of unintentional delay–however, because it appeared that there also was an outstanding drawings requirement which Petitioner had not satisfied, the petition was dismissed on 17 July, 2006;
- the instant petition seeks to remedy these deficiencies.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

---

(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[2] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to the Allegations
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements under the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **granted**.

The instant application is released to Publications Branch to be processed into a patent.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[8] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JOHN C PHILLIPS
FISH AND RICHARDSON
601 THIRTEENTH STREET NW
WASHINGTON, DC 20005

COPY MAILED

MAR 01 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of :
Jack Wassom, Renee Schaefer, Cory :
Chandler : DECISION REFUSING STATUS
Application No. 09/224,211 : UNDER 37 CFR 1.47(a)
Filed: December 30, 1998 :
For: CUSTOMIZED USER INTERFACE

This is in response to the "Petition Under 37 CFR 1.47(a)," filed July 29, 1999, certificate of mailing July 26, 1999.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor in compliance with 37 CFR 1.63. (If a declaration is filed by the currently non-signing inventor, please make sure that the declaration lists all inventors and does not suggest that the inventor is a sole inventor, such a declaration will neither comply with 37 CFR 1.63 nor evidence that the inventor is willing to join in the filing of this application.) Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 30, 1998, without an executed oath or declaration and naming Jack Wassom, Renee Schaefer, and Cory Chandler as a joint inventors.

Accordingly, on January 28, 199, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on July 29, 1999, the instant petition was filed.

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. Applicant lacks item (1) set forth above.

As to item (1), applicant appears to demonstrate that Mr. Chandler was only presented with the declaration. Unless Mr. Chandler was presented with a copy of the application papers (specification, claims and drawings), Mr. Chandler could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given.

As to item (2), the declaration signed by Jack Wassom and Renee Schaefer does not list the residence, post office address and citizenship of Cory Chandler, the post office address of Jack Wassom or the citizenship and post office address of Renee Schaefer as is required by 37 CFR 1.63 and 1.64. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-3159.

Karin Tyson
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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
DIW May-05

Paper No. 49

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

MAY 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Wassom et al.	:	
Application No. 09/224,211	:	DECISION ON PETITION
Filed: 30 December, 1998	:	
Atty Docket No. 06975/033001	:	

This is a decision on the petition filed on 8 April, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 11 February, 2005, in accordance with the Decision of the Board of Patent Appeals and Interferences mailed on 10 December, 2004, affirming the examiner's final rejection of all claims, which set a two (2)

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

month period for reply. Notice of Abandonment was mailed on 9 March, 2005.

Applicants have filed a Request for Continued Examination (RCE) and an amendment as the required submission under 37 CFR 1.114.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The address listed on the petition filed on 24 December, 2003, is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: FISH & RICHARDSON, P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON DC 20005-3500

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

FISH & RICHARDSON, P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

SEP 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Jack Wassom, et al.	:	
Application No. 09/224,211	:	DECISION ON PETITION
Filed: December 30, 1998	:	TO WITHDRAW
Attorney Docket No. 06975/033001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott R. Boalick on behalf of himself.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
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

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

COPY MAILED

JAN 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Jack Wassom, et al.	:	
Application No. 09/224,211	:	DECISION ON PETITION
Filed: December 30, 1998	:	TO WITHDRAW
Attorney Docket No. 06975/033001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 14, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Babak Akhlaghi on behalf of himself.

Babal Akhlaghi has been withdrawn as attorney or agent of record with limited recongination; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

Dag Johansen
Stattler Johansen & Adeli
PO Box 51860
Palo Alto, CA 94303-0728

COPY MAILED

SEP 2 7 2002

OFFICE OF PETITIONS

In re Application of :
Lyer et al. :
Application No. 09/224,382 : ON PETITION
Filed: December 31, 1998 :
Attorney Docket No. :
SWON.P0003

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 1, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 2, 2001.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

COPY MAILED

JUL 1 0 2006

OFFICE OF PETITIONS

JJGJR.: 07-06

Paper No: __

STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO CA 94303

In re Application of	:	
Iyer, et al.	:	
Application No. 09/224,382	:	DECISION
Filing Date: 31 December, 1998	:	
Attorney Docket No.: 003813.P003	:	

This is a decision on the petition filed on 9 May, 2006, alleging unintentional delay under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the non-final Office action mailed on 24 August, 2005, with reply due absent extension of time on or before 25 November, 2005;
- the instant application went abandoned after midnight 25 November, 2005;
- the Office mailed the Notice of Abandonment on 3 April, 2006;
- on 9 May, 2006, Petitioner filed the instant petition (with fee), with the reply in the form of an amendment, and made the statement of unintentional delay–thus Petitioner appears to have satisfied the requirements under 37 C.F.R. §1.137(b);

- out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

As to the Allegations of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a

---

[2] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

Petitioner appears to have satisfied the regulatory requirements.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **granted**.

The instant application is released to the Examiner in Technology Center 2100 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 12, 2006

TO SPE OF : ART UNIT 2662

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/224401 Patent No.: 6,977,910

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

LYNN FEILD
SUPERVISORY PATENT EXAMINER

SPE

2616
Art Unit

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7000243	2006-02-14	09224409	1998-12-31	L294.12-0030

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Alan M. Koenck/	Date (YYYY-MM-DD)	2010-03-04
Name	Alan M. Koenck	Registration Number	43724

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 7000243
Issue Date: February 14,2006
Application No. 09224409
Filed: December 31,1998
Attorney Docket No. ONCO-002

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 4,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 4,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 15

David M. Driscoll
WOLF, GREENFIELD & SACKS
600 Atlantic Avenue
Boston, MA 02210

In re Application of	)	
Richard P. Fournel	)	
Application No. 09/224,756	)	
Filed: January 4, 1999	)	
For: METHOD FOR PROGRAMMING	)	DECISION ON PETITION
READ-ONLY MEMORY CELLS AND	)	
ASSOCIATED MEMORIES	)	

This is a decision on the petition, filed February 26, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to file a response to the Notice to File Missing Parts of Application (CPA) mailed August 23, 2000. A Notice of Abandonment was mailed on September 11, 2001.

Petitioner asserts that the holding of abandonment was improper because a response was in fact timely filed on March 23, 2001 and received in the PTO on March 26, 2001. The response included a copy of the Notice to file Missing Parts, a petition for an extension of time of five months and a check of $2,890.00 to the cover the CPA filing fee, the extension of time fee, the extra claims fee, and the surcharge. To support this assertion, petitioner has submitted a copy of the response along with a stamped postcard receipt indicating that the PTO acknowledged receipt of the response on March 26, 2001, and a copy of the canceled check that was cashed by the PTO. The response was filed using the provision of 27 CFR 1.8(a) with a certificate of mailing dated March 23, 2001.

The response filed March 26, 2001 is not of record in the application file and cannot be located[1]. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the

---

1 Although the response is not in the file record, the application finance record indicates that the $2,890.00 fees for filing a CPA and other required fees have been collected with an accounting date of March 28, 2001.

items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that a response to the Notice to File Missing Parts (CPA) was timely filed but lost in the PTO.

For the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The copy of the response submitted on February 26, 2002, is accepted since the PTO has apparently misplaced the response originally submitted.

The application file is being forwarded to the Technology Center Technical Support Staff for processing the CPA. From there, the file will be returned to the examiner for further examination.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 18

COPY MAILED

JUL 12 2001

OFFICE OF PETITIONS
A/C PATENTS

James V. Constigan
Hedman & Costigan, PC
New York, New York 10036

In re Application of
Barry M. Libin
Application No. 09/224,781
Filed: January 4, 1999
Attorney Docket No. 1059-007

DECISION ON PETITION

This is a decision on the Request for Withdrawal of Abandonment, pursuant to 37 CFR 1.181(a) filed June 4, 2001, and the petition under 37 CFR 1.137(b) filed June 25, 2001.

The petition under 37 CFR 1.181(a) is GRANTED.

The petition under 37 CFR 1.137(b) is MOOT.

This application was held abandoned on November 6, 2000, because it was believed that the "Amendment" was not received in response to the non-final Office action, mailed October 5, 2000, which set an extendable statutory period for reply of one month. Petitioner was advised of the above-cited application's abandonment by a Notice of Abandonment mailed May 25, 2001.

Petitioner maintains that the Amendment was deposited with the United States Postal Service on November 6, 2000. As evidence of the same, petitioner provided a copy of the Amendment with a copy of the postcard receipt for the Amendment date stamped November 13, 2000, by the United States Patent and Trademark Office receipt. The Amendment contained a certificate of mailing dated November 6, 2000. Based on the facts as stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed; the holding of abandonment is, therefore, withdrawn as of the mailing date of this decision.

Because the holding of abandonment is withdrawn with mailing of this decision, the petition filed on 37 CFR 1.137(b) filed June 25, 2001, is rendered moot. As the petition under 37 CFR 1.137(b) is moot and there is no fee associated with a petition to withdraw the holding of abandonment, petitioner will be refunded the petition fee of $620.00 in due course.

The application is being forward to Technology Center 1600 for review of Amendment filed originally mailed November 6, 2000.

Telephone inquiries concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 18

Milliken & Company
920 Milliken Road
PO Box 1926
Spartanburg, SC 29304

COPY MAILED

DEC 1 0 2002

OFFICE OF PETITIONS

In re Application of :
Anthony Waldrop et al. :
Application No. 09/224,980 : ON PETITION
Filed: February 26, 2001 :
Attorney Docket No. 2003-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 5, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 28, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 29, 2002.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on November 5, 2002.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1771 for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 21

DAVID B. RITCHIE
THELEN REID & PRIEST LLP
P O BOX 640640
SAN JOSE, CA 95164-0640

COPY MAILED

OCT 2 5 2002

OFFICE OF PETITIONS

In re Application of	:	
Jie Chu et al	:	
Application No. 09/225,262	:	ON PETITION
Filed: January 4, 1999	:	
Attorney Docket No. CISCO-0609	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2002, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on October 18, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

The application file is being forwarded to Technology Center AU 2155 for processing the CPA and consideration of the concurrently filed amendment.

Frances Hicks

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE: Z. Smith

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/2/07

TO SPE OF : ART UNIT 2822

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/225,278 Patent No.: 6339256

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Zalan Smith — SPE

2822 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed

DEC 2 9 2000

Technology Center 2100

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 9

James M. Bollinger
Hopgood Calimafde Kalil & Judlowe
60 East 42nd Street
New York, New York 10165

In re Application of: Philip Myron Ginsberg	)	
Application No.: 09/225,537	)	**DECISION ON PETITION UNDER 37**
Filed: January 4, 1999	)	**C.F.R. § 1.181 TO WITHDRAW**
For: FIXED INCOME PORTFOLIO	)	**HOLDING OF ABANDONMENT**
INDEX PROCESSOR	)	

This is a decision on the petition filed November 15, 2000 under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to file a timely response to the Office action of mail date August 9, 2000. A Notice of Abandonment was mailed on October 24, 2000.

A review of the file record indicates that a Notice of Missing Parts was mailed on August 9, 2000. This letter set a two month time period for response. Under 37 CFR 1.136(a) Applicant may be granted extensions of time up to an ***additional five months*** upon filing a request with the requisite fee.

Therefore, the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued. Note that the time period continues to be calculated from the original mailing date of August 9, 2000.

The office regrets any inconvenience caused by the precipitate mailing of the Notice of Abandonment.

The petition is **GRANTED**. The Notice of Abandonment is withdrawn. The application file will be returned to Central Files to await further communications from applicant.

John J. Love, Director
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DIW 12-01

Paper No. 20

ATTEN: MATTHEW T. BYRNE
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1104

COPY MAILED

DEC 17 2001

OFFICE OF PETITIONS

In re Application of
Philip Myron Ginsberg
Application No. 09/225,537
Filed: 4 January, 1999
Attorney Docket No. 80109.1010

DECISION GRANTING PETITION

This is a decision in response to the "Request for Corrected Filing Receipt," filed on 10 October, 2001, which is treated as a request to accord the Continued Prosecution Application (CPA) deposited on 31 July, 2000, a filing date of 31 July, 2000, rather than a filing date of 21 February, 2001.

The petition is granted.

A review of the official file reveals that a CPA was filed in this case on 31 July, 2000. A Notice to File Missing Parts (CPA) was mailed on 9 August, 2000, however, requiring payment of the basic filing fee for a CPA. The fee was submitted along with a four (4) month extension of time under 37 CFR 1.136(a) on 21 February, 2001. Apparently, the date on which the response to the Notice was inadvertantly entered in the Office PALM database as the date the CPA was filed.

As this petition resulted from USPTO error, no fee is due.

The application is being forwarded to the Director of Technology Center 2160 correction of USPTO records to indicate that a CPA was filed on 31 July, 2000, not 21 February, 2001, and for issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 36

DATE : 7/27/2004

TO SPE OF : ART UNIT **3600**

SUBJECT : Request for Certificate of Correction on Patent No.: **6,754,639**

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Ernest C. White, LIE305-8339
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Vincent Millin — **SPE**

3624 — **Art Unit**

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 Patent No. 6052830
Issue Date: April 25,2000
Application No. 09225648
Filed: January 5,1999
Attorney Docket No.

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed September 24,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 24,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6052830	2000-04-25	09225648	1999-01-05	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Steven M Clodfelter/	Date (YYYY-MM-DD)	2009-09-24
Name	Steven M Clodfelter	Registration Number	34564

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6085242
Issue Date: July 4,2000
Application No. 09225651
Filed: January 5,1999
Attorney Docket No. 03345.P002

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 10,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 10,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6085242	2000-07-04	09225651	1999-01-05	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Rohit Chandra/	Date (YYYY-MM-DD)	2008-09-10
Name	Rohit Chandra		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 16

Benjamin Aaron Adler
McGregor & Adler
8011 Candle Lane
Houston, TX 77071

COPY MAILED

MAR 1 4 2003

OFFICE OF PETITIONS

In re Application of :
Roman Perez-Soler, et al. :
Application No. 09/225,699 :
Filed: January 6, 1999 :
Attorney Docket No. D6050 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 10, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 12, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 13, 2001.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry D. Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1600, Art Unit 1633 for consideration of the amendment submitted with the instant petition.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry D. Brinkley
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

Benjamin Aaron Adler
McGregor & Adler
8011 Candle Lane
Houston, TX 77071

COPY MAILED
NOV 14 2006
OFFICE OF PETITIONS

In re Application of	:	
Perez-Soler et al.	:	
Application No. 09/225699	:	ON PETITION
Filing or 371(c) Date 01/06/1999	:	
Title of Invention:	:	
GENE THERAPY OF TUMORS USING	:	
NON-VIRAL DELIVERY SYSTEM	:	

This is a decision on the Petition for Revival Under 37 C.F.R. § 1.137(a), filed July 10, 2006. The petition is properly treated as a petition under 37 C.F.R. § 1.137(b). The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed October 31, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on February 1, 2006. A Notice of Abandonment was mailed April 6, 2006.

Applicant has submitted replacement drawings with the instant petition. The issue fee was previously submitted on January 30, 2006. Accordingly, the petition is granted.

This application is being referred to Publishing Division for processing into a patent.

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

Derek L. Woods
Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,190,182	2001-02-20	09/225,816	1999-01-05	ACER-45646

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Aaron A. Fishman/	Date (YYYY-MM-DD)	2009-07-14
Name	Aaron A. Fishman	Registration Number	44682

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6190182
Issue Date: February 20,2001
Application No. 09225816
Filed: January 5,1999
Attorney Docket No. 450.160US2

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed July 14,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 14,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

JOHN W. MONTGOMERY
HAYNES AND BOONE LLP
1000 LOUISIANA STREET
SUITE 4300
HOUSTON, TX 77002-5012

COPY MAILED

DEC 28 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Nelson J. Wong et al.
Application No. 09/225,879
Filed: January 5, 1999
Attorney Docket No. 29394

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance mailed June 30, 2000, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 1, 2000.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to the Office of Patent Publication to oversee review of the drawings filed on December 11, 2000.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper 17

COPY MAILED

FEB 13 2007

OFFICE OF PETITIONS

JOHN W. MONTGOMERY
15830 BROOK FOREST
HOUSTON, TX 77059

In re Patent No. 6,206,695 :
Issue Date: March 27, 2001 :
Application No. 09/225,879 : ON PETITION
Filed: January 5, 1999 :
Attorney Docket No: Wong/Montgomery :

This is a decision on the petition filed September 5, 2006, under 37 CFR 1.378(c)[1], to accept the delayed payment of the maintenance fee for the above-identified patent.

The petition is **GRANTED.**

The patent issued on March 27, 2001. The first maintenance fee due could have been paid during the period from March 29, 2004 to September 27, 2004 or, with a surcharge during the period from September 28, 2004 to March 27, 2005. Accordingly, this patent expired on March 27, 2005 for failure to timely remit the maintenance fee.

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision. Fees in the amount of $450.00 for the first maintenance fee and $1,640.00 for the surcharge have been applied. Note, the maintenance fee is $450.00 and not $455.00 as indicated on the issue fee transmittal.

Additionally, while it is acknowledged that the petitioner is a co-inventor and a registered attorney, the address of record is that of co-inventor Nelson J. Wong and the fee address is that of Haynes and Boone LLP. Furthermore, the petition is not signed by both inventors and the decision is only being sent to petitioner because he is a registered attorney. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney documentation must be submitted. If the new power of attorney and/or change of address is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). This decision will be mailed to petitioner, however, all future correspondence will be mailed solely to the correspondence address of record. If petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which **may** be mailed concerning this patent, a Fee Address should be submitted to Maintenance Fee Division.

This file is being forwarded to Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] 37 CFR 1.378(c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:
(1) The required maintenance fee set forth in § 1.20(e) through (g);
(2) The surcharge set forth in § 1.20(l)(2); and
(3) A statement that the delay in payment of the maintenance fee was unintentional.

DO NOT SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/8/07

TO SPE OF : ART UNIT 3732 Chris Rodriguez (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/225879 Patent No.: 6206695

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Chris J Rodriguez — SPE

3732 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,206,695 B1
APPLICATION NO. : 09/225879
DATED : March 27, 2001
INVENTOR(S) : Nelson J. Wong and John W. Montgomery

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the drawings, Sheet 12, Fig. 20, the line between reference elements 250 and 260 has been redrawn to conform with Sheet 12 of the informal drawing originally filed in the application. Also on Sheet 12, in Fig. 21, the tip forward of element 258 and the dimensional line 254 has been redrawn to conform with Sheet 12 of the informal drawing originally filed with the application. Page 2 of this Certificate of Correction is a formal drawing, Sheet 12 that conforms, as indicated, to the original informal drawing.

Replace the old drawing with this new drawings that is attached here

Signed and Sealed this

Twenty-ninth Day of January, 2008

Jon W. Dudas

JON W. DUDAS
Director of the United States Patent and Trademark Office

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 Patent No. 6177088
Issue Date: January 23,2001
Application No. 09226233
Filed: January 7,1999
Attorney Docket No. J600/010

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 1,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 1,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6177088	2001-01-23	09226233	1999-01-07	60023660

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Marcellus A. Chase/	Date (YYYY-MM-DD)	2009-05-01
Name	Marcellus A. Chase	Registration Number	56664

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 10

JOHN D TITUS
BRYAN CAVE
TWO NORTH CENTRAL AVENUE
SUITE 2200
PHOENIX, AZ 85004-4406

COPY MAILED

OCT 2 9 2002

OFFICE OF PETITIONS

In re Application of
Ahmed A. Hassan et al
Application No. 09/226,418
Filed: January 6, 1999
Attorney Docket No. 107650

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 22, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 19, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 20, 2000.

The power of attorney, filed October 22, 2002, has not been accepted. The power of attorney is from an assignee and the Certificate required by 37 CFR 3.73(b), that must accompany any and all such filings, has not been received.

Pursuant to petitioner's authorization, Deposit Account No. 13-5135 was charged $1,280.00 for the petition to revive an unintentionally abandoned application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 3745.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: DONALD E. STOUT
STOUT UXA BUYAN & MULLINS
4 VENTURE, SUITE 300
IRVINE, CA 92618

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

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

COPY MAILED

MAR 2 1 2005

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,753,457 :
Issue Date: June 22, 2004 :
Application No. 09/226,766 :
Filed: January 6, 1999 :
Attorney Docket No. 08609/003004 :

This is a decision on the petition filed February 23, 2005, which is being treated as a petition under 37 CFR 3.81(b)[1] to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is granted.

A review of the USPTO assignment records did indicate that an assignment was recorded for Application No. 08/013,039 on May 21, 1993. However, MPEP 306 states that, in a substitute or continuation-in-part application, a prior assignment of the original application is not applied to the substitute or continuation-in-part application because the assignment recorded against the original application gives the assignee rights to only the subject matter common to both applications. Substitute or continuation-in-part applications require a new assignment if they are to be issued to an assignee.

In further review of the USPTO assignment records indicated that an assignment was recorded for Application No. 08/190,771 on March 14, 1994. MPEP 306 states that, [i]n the case of a division or continuation application,, a prior assignment recorded against the original application is applied to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications.

In view of the granting of the instant petition, petitioner may request a Certificate of Correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee therefor of $100.

Telephone inquiries concerning this matter may be directed to Wan Laymon at (571) 272-3220.

---

[1] *See* Official Gazette of June 22, 2004

This matter is being referred to Files Repository.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6135708
Issue Date: October 24,2000
Application No. 09227205
Filed: January 8,1999
Attorney Docket No. 5562-750/PMD

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed December 16,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 16,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,135,708	2000-10-24	09/227,205	1999-01-08	12811-135

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Philip C. Mendes da Costa/	Date (YYYY-MM-DD)	2008-12-16
Name	Philip C. Mendes da Costa	Registration Number	33106

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 21

FREDERICK S. BURKHART
VAN DYKE, GARDNER, LINN & BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E., SUITE 207
P.O. BOX 888695
GRAND RAPIDS , MI 49588-8695

COPY MAILED

JUL 25 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Schofield et al.
Application No. 09/227,344
Filed: January 8, 1999
Attorney Docket No. DON01 P-872

ON PETITION

This is a decision on the petition filed July 18, 2001, which is being treated as a petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition To Withdraw the Holding of Abandonment." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed January 17, 2001. Accordingly, the above-identified application became abandoned on April 18, 2001. A Notice of Abandonment was mailed on May 23, 2001.

Petitioner contends that the Notice of Allowance, and presumably the Notice of Allowability as well, were never received at the address of record.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:
(1) include a statement from practitioner stating that the Office action was not received,
(2) attest that a search of the file jacket has been made,
(3) attest that a search of all relevant docket records has been made,
(4) include a copy of the docket record where the Office action would have been entered had it been received, and
(5) include any additional information which may be required by the Commissioner.
See MPEP 711.03(c)(II).

As to (2), petitioner has failed to state that a search of the file has been made. If Fitzpatrick, Cella, Harper & Scinto, the prior law firm, possesses a file jacket for the patent then a search of that file jacket should be made.

As to (4), paragraph 3 of Howard Greenberg's declaration states, "as reflected in the attached printout from the Master Docket, our records indicate that no Notice of Allowance was received by our office." The petition is not accompanied by a copy of the relevant docket records.

Petitioner has failed to file a reply to the Notice of Allowability which required new formal drawings which comply with the January 8, 1999, Draftperson's Patent Drawing Review, a copy of which is attached. Petitioner should file new formal drawings.

The petition was treated as a petition under 37 CFR 1.181. No petition fee is due for a petition under 37 CFR 1.181. Therefore, the $110 submitted for a petition under 37 CFR 1.137(a) will be refunded to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attached: Notice of Draftperson's Patent Drawing Review

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 24

FREDERICK S. BURKHART
VAN DYKE, GARDNER, LINN & BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E., SUITE 207
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

COPY MAILED

AUG 6 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Schofield et al.
Application No. 09/227,344
Filed: January 8, 1999
Attorney Docket No. DON01 P-872

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed August 3, 2001, to withdraw the holding of abandonment.

The petition is **granted.**

The above-identified application became abandoned for failure to submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed January 17, 2001. Accordingly, the above-identified application became abandoned on April 18, 2001. A Notice of Abandonment was mailed on May 23, 2001.

Petitioner has established non-receipt of the Notice of Allowability.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The file is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6095031
Issue Date: August 1,2000
Application No. 09227403
Filed: January 8,1999
Attorney Docket No. 6171-15

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed July 19,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 19,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,095,031	2000-08-01	09/227,403	1999-01-08	WELL D675US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Scott A. Smith, Reg. 46,067/	Date (YYYY-MM-DD)	2010-07-19
Name	Scott A. Smith	Registration Number	46067

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: NOV 27 2001

mfh
Paper Number: 9

In re application of
Peruzzotti et al.
Serial No. 09/227,408
Filed: January 8, 1999
For: WATER TREE RESISTANT INSULATING COMPOSITION

DECISION ON PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed October 10, 2001. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 28, 2001, for failure to timely file a proper response to the Office letter mailed January 17, 2001 be withdrawn. The petitioner asserts that the Office letter was not received by the applicants or any authorized representative of the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the above noted Office letter was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER
1300 I STREET N W
WASHINGTON DC 20005-3315

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

Paper No. 23

R. Scott Rhoades
Strasburger & Price
901 Main Street
Suite 4300
Dallas, TX 75202-3794

COPY MAILED

NOV 0 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Mathew Davis Gard	:	
Application No. 09/227,490	:	ON PETITION
Filed: January 6, 1999	:	
Attorney Docket No. 35684.0101(P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2004, to revive the above-identified application.

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 1.137(b)." Petitioner is advised that this is not a final agency decision.

The above-identified application became abandoned for failure submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance/Notice of Allowability mailed December 1, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight March 1, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (**4**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

The issue fee has been received. However, there is no indication that corrected formal drawings as required by the Notice of Allowability of December 1, 2003 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: Customer Window located at:
U.S. Patent and Trademark Office
220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By Fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

R. Scott Rhoades
Strasburger & Price
901 Main Street
Suite 4300
Dallas, TX 75202-3794

COPY MAILED

APR 18 2007

OFFICE OF PETITIONS

In re Application of	:	DECISION ON RENEWED
Mathew Davis Gard	:	
Application No.: 09/227,490	:	PETITION UNDER
Filed: January 6, 1999	:	
Attorney Docket No.: 35684.0101	:	37 CFR 1.137(b) AND 1.181
For: COMPUTER INTERFACE DEVICE	:	
	:	

Applicant was mailed a decision on 09 November 2004 dismissing applicant's petition under 37 CFR 1.137(b) to revive the present application. Applicant was afforded two months to file any request for reconsideration.

From 24 June 2005 to 20 September 2005, applicant filed four status letters indicating that a response, including the submission of formal drawings, had been filed on 05 January 2005. On 22 November 2005, applicant filed the petition under 37 CFR 1.181 considered herein. In addition, applicant filed renewed petitions under 37 CFr 1.137(b) on 28 August 2006 and 08 March 2007. Applicant is advised that no new petition fees are required. As such, the petition fee payments of $260.00 received on 22 November 2005 and 08 March 2007 will be refunded to deposit account number 19-4547.

Applicant states that corrected formal drawings were submitted on 05 January 2005. Applicant has included a stamped postcard receipt showing that papers were filed with the USPTO on 05 January 2005; including a "Request for Reconsideration Dismissed Petition, with formal drawing figures." However, applicant has not included a copy of the filing nor a statement that the copy provided is a true and complete copy of the papers originally filed on 05 January 2005. As there are no new, formal drawings to inspect it is not possible to grant applicant's petition under 37 CFR 1.181 at this time and it is **DISMISSED**.

A decision on the renewed petition under 37 CFR 1.137(b) will be held in abeyance pending applicant filing a grantable renewed petition under 37 CFR 1.181 with corrected formal drawings to see if there drawings satisfy the missing element detailed in the decision mailed 09 November 2004.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

This application remains **ABANDONED**.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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

R. Scott Rhoades
Strasburger & Price
901 Main Street, Suite 4300
Dallas, TX 75202-3794

COPY MAILED

DEC 03 2007

OFFICE OF PETITIONS

In re Application of:
Mathew Davis Gard
Application No.: 09/227,490
Filed: January 6, 1999
Atty's Docket No.: 35684.0101

DECISION ON RENEWED PETITION UNDER 37 CFR 1.181 AND 1.137(b)

This is a decision on applicant's renewed petitions under 37 CFR 1.181 and 37 CFR 1.137(b), filed May 7, 2007.

The renewed petitions are **GRANTED**.

Applicant has present provided a complete copy of the previous filing of 05 January 2005 and attested that the papers presently filed are a true and complete copy of the papers originally filed on 05 January 2005. As such, it is proper to grant applicant's petition under 37 CFR 1.181 at this time and accept the papers filed May 7, 2007 as having been filed on January 5, 2005.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed December 1, 2003. (See Decision mailed November 9, 2004 dismissing applicant's original petition to revive).

On January 5, 2005, applicant filed the present renewed petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of corrected drawings. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6346047	2002-02-12	09227780	1999-01-08	116.006

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Donald V. Tomkins/	Date (YYYY-MM-DD)	2007-06-12
Name	Donald V. Tomkins	Registration Number	48206

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6346047
Issue Date: February 12,2002
Application No. 09227780
Filed: January 8,1999
Attorney Docket No.

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed June 12,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 12,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 25

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
Washington, D.C. 20005-3096

JUL 31 2003

In re Application of:	:	
HASUNUMA, *et al.*	:	DECISION ON PETITION
Application No. 09/227,935	:	TO WITHDRAW HOLDING
Filed: January 11, 1999	:	OF ABANDONMENT
Attorney Docket No. 49657-274	:	

This is a decision on the petition filed May 20, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED.**

The application was held abandoned for failure to respond to the decision of the Board of Appeals and Interferences rendered on February 25, 2003 and because the period for seeking court review of the decision expired and there were no allowed claims. A Notice of Abandonment was mailed on May 13, 2003.

The petitioner asserts that on April 25, 2003, a response including a Request for a Continued Prosecution Application (CPA) and a preliminary amendment was filed in the above-referenced application. To support this assertion, the petitioner has submitted a copy of a return postcard that acknowledges receipt of a response by the Patent and Trademark Office on April 25, 2003.

A review of the application file record reveals that the response filed April 25, 2003 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Additionally, the PTO application fee records for the above identified application indicate that a fee for a CPA, having an April 25, 2003 mailroom date, was credited on April 29, 2003.

In view of the above, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The copy of the response filed April 25, 2003, submitted with the instant petition, is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for processing and entry of the response received on April 25, 2003. From there, the application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.

Lissi Mojica Marquis, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 31, 2006

TO SPE OF : ART UNIT 1772 (S.P.E. Harold Pyon)

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/228,103 Patent No.: 6991836

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

STAY POWELL

Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The requested changes/corrections as shown in the COCIN document in the IFW application image has been approved and entered the correction in its entirety.

Harold Pyon

HAROLD PYON
SPE
SUPERVISORY PATENT EXAMINER

1772
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

Joseph R. Keating
Murata Manufacturing Company, Ltd.
C/o Keating & Bennett, LLP
8180 Greensboro Drive, Suite 850
McLean, VA 22102

COPY MAILED

MAY 2 6 2006

OFFICE OF PETITIONS

In re Application of :
Tetsuo Taniguchi :
Application No.: 09/228,562 :
Filed: January 12, 1999 :
Attorney Docket No.: 36856.166 :
For: INPUT-OUTPUT BALANCED FILTER :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed January 17, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawing sheets in a timely manner in reply to the Notice of Allowance mailed July 7, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-entitled application became abandoned at midnight on October 8, 2005.

On January 17, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of corrected drawings. Accordingly, the filing of corrected drawings is accepted as having been unintentionally delayed.

The application is being referred to the Office of Publications

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEB 2 9 2000

Paper Number 6

In re Application of:
Ashish Pandya et al.
Serial No.: 09/228,694
Filed: January 12, 1999
For: HYDROXYPHENYL COPOLYMERS AND PHOTORESISTS COMPRISING SAME

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.48(a), filed June 2, 1999, to add Hiroshi Ito as co-inventor to the above-identified application.

In view of the papers filed June 2, 1999, it has been found that this application, as filed, through error and without any deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48. The inventorship of this application has been changed by adding Hiroshi Ito as a co-inventor.

PETITION GRANTED.

Janet C. Baxter
Supervisory Patent Examiner
Art Unit 1752

PETER F. CORLESS
P.O. BOX 556
MARLBOROUGH, MA 01752

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 11

COPY MAILED

JUN 26 2002

OFFICE OF PETITIONS

PHILIP KOENIG
P.O. BOX 980
Winchester, MA 01890

In re Application of :
Lawrence Kohls :
Application No. 09/228,909 :
Filed: January 11, 1999 :
Attorney Docket No. 98/24 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed June 19, 2002.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 15, 2001 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

The application is being forwarded to Technology Center AU 2765 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
(703) 305-9220

[1]The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to *timely* request *in writing* that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6097336	2000-08-01	09229056	1999-01-12	ACOM-0098

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
○	3 ½ year	(1551)
◉	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2008-09-29
Name	Kendal M. Sheets	Registration Number	47077

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6097336
Issue Date: August 1,2000
Application No. 09229056
Filed: January 12,1999
Attorney Docket No. ACOM-0098

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 29,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 29,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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 Patent No. 6086759
Issue Date: July 11,2000
Application No. 09229411
Filed: January 8,1999
Attorney Docket No. BIR0001.CIP

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 4,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 4,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6086759	2000-07-11	09/229,411	1999-01-08	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Robin Bisseker/	Date (YYYY-MM-DD)	2008-09-04
Name	Robin Bisseker		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

Paper No. 31

Central Coast Patent Agency
PO Box 187
Aromas, CA 95004

COPY MAILED
APR 0 9 2004
OFFICE OF PETITIONS

In re Application of	:	
Leonid A. Yegoshin	:	
Application No. 09/229,589	:	ON PETITION
Filed: January 18, 1999	:	
Attorney Docket No. P3356	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 10, 2004, to revive the above-identified application.

The petition is Granted.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed August 8, 2003, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the-above-identified application became abandoned on October 9, 2003. See MPEP 1215.04.

The application file is being forwarded to Technology Center AU 2661 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 9

SPENCER & FRANK
1100 NEW YORK AVENUE NW
SUITE 300 EAST
WASHINGTON, DC 20005-3955

COPY MAILED

SEP 6 2001

OFFICE OF PETITIONS

In re Application of Sakaino et al. Application No. 09/229,628 Filed: January 13, 1999 Attorney Docket No. OKI-4646.01 (32014-141666) For: SEMICONDUCTOR INTEGRATED CIRCUIT	DECISION

This is a decision on the petition under 37 CFR 1.183 filed February 13, 2001, seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventor. The $130 fee has been received.

The petition is **granted.**

In view of the record, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed February 13, 2001.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary. It should be noted that the new declaration will **not** change the attorneys of record or the correspondence address since it is not signed by all the inventors or an attorney of record. The petition states that the Supplemental Declaration "merely corrects an obvious error in the date of the Japanese priority application." The petition does not request that the declaration be entered in order to change the attorneys of record or the address of record and such relief has not been granted.

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: VENABLE
PO Box 34385
Washington, DC 20043-9998

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

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO CA 92130-2081

COPY MAILED
SEP 07 2005
OFFICE OF PETITIONS

In re Application of
Martin Serrano
Application No. 09/229,849
Filed: January 13, 1999
Attorney Docket No.: 07470/30001

ON PETITION

This is a decision on the petition, filed September 6, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 22, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2162 for further processing of the request for continued examination under 37 CFR 1.114 filed September 2, 2005.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:01262006

DATE : January 26, 2006

TO SPE OF : ART UNIT 2671

SUBJECT : Request for Certificate of Correction on Patent No.: 6,914,599

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Ulka Chauhan **Art Unit** 2671

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 17

FRISHAUF, HOLTZ, GOODMAN,
LANGER & CHICK, PC
767 Third Avenue, 25th Floor
New York, NY 10017-2023

COPY MAILED

APR 0 9 2002

OFFICE OF PETITIONS

In re Application of :
Mikhail Mikhailovich Timofeev :
Application No. 09/230,439 : ON PETITION
Filed: February 9, 1999 :
Attorney Docket No. 01758/DH/YK :

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 17, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 18, 2001.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on January 24, 2002.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 3600, Art Unit 3635.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6242519	2001-06-05	09231104	1999-01-14	08CV5805-4-US-NP

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Diderico van Eyl/	Date (YYYY-MM-DD)	2009-08-05
Name	Diderico van Eyl	Registration Number	38641

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6242519
Issue Date: June 5,2001
Application No. 09231104
Filed: January 14,1999
Attorney Docket No. 8CV-5805

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed August 5,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 5,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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 Patent No. SOLED ET AL.	:	
Issue Date: December 19, 2000	:	**DECISION GRANTING**
Appl No.: 09/231,156	:	**PETITION**
Filed: January 15, 1999	:	*37 CFR 1.324*
For: Hydroprocessing Using Bulk Group VIII/Group VIB Catalysts	:	

This is a decision on the petition filed October 29, 2004 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Deborah Jones
Supervisory Patent Examiner
Art Unit 1775
Technology Center 1700

EXXON RESEARCH & ENGINEERING COMPANY
PO BOX 390
FLORHAM PARK, NJ 7932-0390

DAC$
IFW

O I P E
OCT 1 6 2006
PATENT & TRADEMARK OFFICE
IAP50

October 10, 2006

Commissioner for Patents
U. S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA, 22313-1450

Attn: Paul Shanoski, Senior Attorney

I have enclosed the check for $1,150.00 that we discussed by phone earlier today.

Ref:
Application of William A. Jacobs
Application No. 09/231,276
Patent No. 6,245,209
Filed January 15, 1999
Issued June 12, 2001
Attorney Docket Number 1582D
Title: ELECTRO-REFINING SYSTEM AND METHOD

William A. Jacobs
775 West Roger Rd # 62
Tucson, AZ 85705

OCT 16 2006
PATENT & TRADEMARK OFFICE

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

Paper No. 15

William A. Jones
775 W. Rogers Rd. # 62
Tuscon AZ 85705

COPY MAILED

SEP 28 2006

OFFICE OF PETITIONS

In re Application of William A. Jacobs Application No. 09/231,276 Patent No. 6,245,209 Filed: January 15, 1999 Issue June 12, 2001 Attorney Docket Number: 1582D Title: ELECTRO-REFINING SYSTEM AND METHOD	DECISION ON PETITION UNDER 37 C.F.R. §1.378(B)

This is a decision on the petition filed June 5, 2006, pursuant to 37 C.F.R. §1.378(b)[1], to revive the above-identified application.

The patent issued on June 12, 2001. The grace period for paying the 3½ year maintenance fee provided in 37 C.F.R. §1.362(e) expired at midnight on June 12, 2005, with no payment

1 Any petition to accept an unavoidably delayed payment of a maintenance fee filed under 37 C.F.R. §1.378(b) must include:

(1) The required maintenance fee set forth in 37 C.F.R. §1.20 (e) through (g);
(2) The surcharge set forth in 37 C.F.R. §1.20(i)(1), and;
(3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

10/18/2006 AWONDAF1 00000068 6245209
01 FC:1599 1150.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 20

Sughrue, Mion, Zinn, MacPeak & Seas
2100 Pennsylvania Avenue
Washington, DC 20037-3202

COPY MAILED

NOV 2 0 2002

OFFICE OF PETITIONS

In re Application of :
Giuseppe Guarino, et al. :
Application No. 09/231,791 :
Filed: January 15, 1999 :
Attorney Docket No. Q-52856 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37CFR 1.113 in a timely manner to the final Office action mailed March 20, 2002, which set a shortened statutory period for reply of three(3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 21, 2001.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1700, Art Unit 1764.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

DAC

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Giuseppe GUARINO, et al.

Appln. No.: 09/231,791

Confirmation No.: 2603

Filed: January 15, 1999

Docket No: Q52856

Group Art Unit: 1764

Examiner: Alexa Doroshenk

OIPE JC35 JAN 0 5 2005 PATENT & TRADEMARK OFFICE

RECEIVED JAN 1 1 2005 OFFICE OF PETITIONS

For: METHOD FOR IN-SITU MODERNIZATION OF A HETEROGENEOUS SYNTHESIS REACTOR

PETITION UNDER 37 CFR § 1.181 TO WITHDRAW A HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION UNDER 37 CFR § 1.137(b) TO REVIVE ABANDONED APPLICATION

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

Sir:

The undersigned, on behalf of Applicant, petitions the Commissioner requesting withdrawal of the holding of abandonment of the above identified application. The application was abandoned for allegedly not responding to the Office Action dated May 24, 2004. However, an Amendment under 37 C.F.R. § 1.116, together with a Petition for Extension of Time (for three (3) months) and a Notice of Appeal was in fact timely filed on November 24, 2004.

Submitted herewith are the following documents:

1. Copy of the Amendment under 37 C.F.R. § 1.116, together with a Petition for Extension of Time (for three (3) months and a Notice of Appeal) filed November 24, 2004;
2. Stamp and Return Receipt bearing USPTO mail room date stamp of November 24, 2004; identifying the paper filed as "Amendment under 37 C.F.R. § 1.116, Notice of Appeal (with Check No. 260883) and Petition for Extension of Time (with Check No. 260882);"
3. Copy of canceled Check No. 260882 in the amount of $490.00 for the Petition for Extension of Time filed November 24, 2004, and Check No. 260883 in the amount of $170.00 for the Notice of Appeal filed November 24, 2004.
4. Notice of Abandonment.

01/06/2005 JBALINAN 00000004 194880 09231791
01 FC:1453 1500.00 DA

PETITION UNDER 37 CFR § 1.181 TO WITHDRAW A HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION UNDER 37 CFR § 1.137(b) TO REVIVE ABANDONED APPLICATION
U.S. Application No. 09/231,791

From documents 1-3 it is clear that this firm, representing Applicant, duly filed the Amendment under 37 C.F.R. § 1.116 with the PTO on November 24, 2004, within the six month period for responding to the Office Action of May 24, 2004. Attachments 1-3 are proof that the PTO received the Amendment under 37 C.F.R. § 1.116.

In view of the above it is respectfully submitted that the application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

Alternatively, the undersigned petitions the Commissioner to revive the above application under 37 CFR §1.137(b). However, it is believed that a Petition to Revive the application is not necessary.

It is believed that no fee is due. However, the USPTO is directed and authorized to charge all required fees to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Respectfully submitted,

Patrick F. Gallagher
Registration No. 54,109

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 5, 2005

91

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Giuseppe GUARINO, et al.

Appln. No.: 09/231,791

Confirmation No.: 2603

Filed: January 15, 1999

OIPE JC35 JAN 0 5 2005 PATENT & TRADEMARK OFFICE

Group Art Unit: 1764

Examiner: Alexa Doroshenk

For: METHOD FOR IN-SITU MODERNIZATION OF A HETEROGENEOUS SYNTHESIS REACTOR

PAPER(S) FILED ENTITLED:

1. Petition for Extension of Time (in duplicate with Check No. 262883 in the amount of $490.00 (small entity)).
2. Notice of Appeal (in duplicate with Check No. 262883 in the amount of $170.00 (small entity)).
3. Amendment Under 37 C.F.R. §1.116

RECEIVED
JAN 1 1 2005
OFFICE OF PETITIONS

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

OIPE JC174 NOV 2 4 2004 PATENT & TRADEMARK OFFICE

DOCKET NO.: Q52856
ATTORNEY/SEC: PFG/mld
Date Filed: November 24, 2004

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Giuseppe GUARINO, et al.

Appln. No.: 09/231,791

Confirmation No.: 2603

Filed: January 15, 1999

OIPE JC35 JAN 0 5 2005 PATENT & TRADEMARK OFFICE

Group Art Unit: 1764

Examiner: Alexa Doroshenk

For: METHOD FOR IN-SITU MODERNIZATION OF A HETEROGENEOUS SYNTHESIS REACTOR

PAPER(S) FILED ENTITLED:

1. Petition for Extension of Time (in duplicate with Check No. 260882 in the amount of $490.00 (small entity)).
2. Notice of Appeal (in duplicate with Check No. 260883 in the amount of $170.00 (small entity)).
3. Amendment Under 37 C.F.R. §1.116

RECEIVED
JAN 1 1 2005
OFFICE OF PETITIONS

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

DOCKET NO.: Q52856
ATTORNEY/SEC: PFG/mld
Date Filed: November 24, 2004

OIPE JC35
JAN 0 5 2005
PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Giuseppe GUARINO, et al.

Appln. No.: 09/231,791

Confirmation No.: 2603

Filed: January 15, 1999

Docket No: Q52856

Group Art Unit: 1764

Examiner: Alexa Doroshenk

RECEIVED
JAN 1 1 2005
OFFICE OF PETITIONS

For: METHOD FOR IN-SITU MODERNIZATION OF A HETEROGENEOUS SYNTHESIS REACTOR

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

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

FILED
NOV 2 4 2004

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of three (3) months, extending the time for responding to the Office Action of May 24, 2004 to November 24, 2004.

A check for the statutory fee of $490.00 (small entity) is attached. 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. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Patrick F. Gallagher
Registration No. 54,109

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 24, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 16

LOUDERMILK & ASSOCIATES
PO BOX 3607
LOS ALTOS CA 94024-0607

COPY MAILED

APR 0 3 2003

OFFICE OF PETITIONS

In re reissue Application of :
Debra J. Worsley, Michael T. :
Werstlein, and Richard W. Thaik : DECISION DISMISSING DECISION
Application No. 09/231,855 :
Filed: January 14, 1999 :
Attorney Docket No. VN734

This is in response to the petition under 37 CFR §1.47, filed October 9, 2002, which is being treated as a §183 waiver of the requirement that all the inventors sign the supplemental reissue declaration.[1]

The petition under 37 CFR 1.183 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 1.183". The request for reconsideration may include a supplemental reissue declaration executed by the nonsigning inventor. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified reissue application was filed on January 14, 1999, without an executed declaration pursuant to 37 CFR 1.63. Accordingly, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Application" on February 25, 1999. In reply, applicant filed a declaration executed by all of the inventors on June 28, 1999. In a non-final Office action mailed on April 8, 2002, the Examiner required a supplemental declaration.

In reply, applicant filed an amendment on September 10, 2002. To make timely this reply, applicant included a Certificate of Mailing dated September 4, 2002 and obtained a two month extension of time. The instant petition was filed on October 9, 2002. Accompanying the petition was a supplemental reissue declaration signed by joint inventors Debra J. Worsley and Michael T. Werstlein, but lacking a signature from joint inventor Richard W. Thaik.

---

[1] A petition under 37 CFR 1.47 only applies to the original oath or declaration. Here, applicant has already filed a declaration in compliance with 37 CFR 1.63 on June 28, 1999.

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47 may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

In addition, 37 CFR 1.175 states that a reissue declaration must be signed by all of the inventors.[2]

With the instant petition, applicant has set forth the steps taken to find joint inventor Thaik. Attorney Alan Loudermilk has attested that he performed Internet searches, made calls to Thaik's past employer, and mailed letters to the two last known addresses of Thaik which were never returned.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental reissue declaration was required to be signed by joint inventors Worsley, Werstlein, and Thaik. However, only Worsley and Werstlein executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to locate Thaik. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

However, petitioner has not submitted a supplemental declaration in compliance with 37 CFR 1.63. The declaration filed on October 9, 2002 does not identify the citizenship of Thaik. Accordingly, it does not comply with 37 CFR 1.63(a)(3). In addition, the declaration does not comply with 37 CFR 1.63(c)(1) because it does not list the residence or mailing address of Thaik.

On renewed petition, petitioner must submit a declaration in compliance with 37 CFR 1.63.

Receipt of the Change of Correspondence Address, filed on September 10, 2002, is acknowledged. Future correspondence concerning this application will be mailed to the above address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

---

[2] See also MPEP 114.01 (stating that a supplemental reissue oath or declaration in a broadening reissue must be signed by all the inventors).

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan
Supervisory 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

Paper No. 19

LOUDERMILK & ASSOCIATES
PO BOX 3607
LOS ALTOS CA 94024-0607

COPY MAILED

MAY 13 2003

OFFICE OF PETITIONS

In re reissue Application of
Debra J. Worsley, Michael T.
Werstlein, and Richard W. Thaik
Application No. 09/231,855
Filed: January 14, 1999
Attorney Docket No. VN734

DECISION DISMISSING DECISION

This is in response to the renewed petition under 37 CFR 1.183, filed April 23, 2003, requesting a waiver of the requirement that all the inventors sign the supplemental reissue declaration.

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified reissue application was filed on January 14, 1999, without an executed declaration pursuant to 37 CFR 1.63. Accordingly, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Application" on February 25, 1999. In reply, applicant filed a declaration executed by all of the inventors on June 28, 1999. In a non-final Office action mailed on April 8, 2002, the Examiner required a supplemental declaration.

In reply, applicant filed an amendment on September 10, 2002. To make timely this reply, applicant included a Certificate of Mailing dated September 4, 2002 and obtained a two month extension of time. In addition, applicant filed a petition under 37 CFR 1.47 on October 9, 2002.[1] Accompanying the petition was a supplemental reissue declaration signed by joint inventors Debra J. Worsley and Michael T. Werstlein, but lacking a signature from joint inventor Richard W. Thaik.

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

---

[1] A petition under 37 CFR 1.47 only applies to the original oath or declaration. Here, applicant has already filed a declaration in compliance with 37 CFR 1.63 on June 28, 1999.

> (1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47 may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

In addition, 37 CFR 1.175 states that a reissue declaration must be signed by all of the inventors.[2]

With the petition filed October 9, 2002, applicant set forth the steps taken to find joint inventor Thaik. Attorney Alan Loudermilk attested that he performed Internet searches, made calls to Thaik's past employer, and mailed letters to the two last known addresses of Thaik which were never returned.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental reissue declaration was required to be signed by joint inventors Worsley, Werstlein, and Thaik. However, only Worsley and Werstlein executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to locate Thaik. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

However, the petition was dismissed in a decision mailed on April 2, 2003. The declaration did not comply with 37 CFR 1.63(a)(3) because it failed to identify the citizenship of Thaik. In addition, the declaration did not comply with 37 CFR 1.63(c)(1) because it did not identify the residence of Thaik.

On renewed petition, petitioner has submitted a supplemental reissue declaration identifying the citizenship and residence of Thaik.

The application file is being forwarded to Technology Center 2600 for consideration of applicant's amendment, filed September 10, 2002.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Christina Tartera Donnell for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

---

[2] See also MPEP 114.01 (stating that a supplemental reissue oath or declaration in a broadening reissue must be signed by all the inventors).

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

Paper No. 16

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

COPY MAILED

MAY 30 2003

OFFICE OF PETITIONS

In re Application of :
Masayuki Sato et al :
Application No. 09/232,049 : ON PETITION
Filed: January 15, 1999 :
Attorney Docket No. FUJA-15.799 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 20, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed November 18, 2002, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). Since the amendment submitted does not *prima facie* placing the application in condition for allowance, no Notice of Appeal (and appeal fee) was timely filed. Extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 19, 2003.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Accordingly, since the $520.00 extension of time submitted with the petition on May 20, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 2142 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 18

Duke W. Yee
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, Texas 75380

MAIL

DEC 01 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Jeffrey Allen Jones et al.	)	
Application No. 09/232,212	)	**DECISION ON PETITION**
Filed: January 19, 1999	)	**UNDER 37 C.F.R. § 1.181 TO**
For: SYSTEM FOR CONTROLLING	)	**WITHDRAW HOLDING OF**
TRANSMISSION OF	)	**ABANDONMENT**
INFORMATION ON THE INTERNET	)	

This is a decision on the petition filed, October 20, 2003, under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.(See MPEP § 711.03(c)).

The petition is **GRANTED**.

The Application was abandoned for failure to file a timely response to the Office action mailed on February 20, 2003. A Notice of Abandonment was mailed October 3, 2003.

37 C.F.R. § 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In support of the petition, Petitioner provides a copy of the originally submitted amendment and

response (13 pages) and a copy of the "transmittal document" (1 page) each bearing a certificate of transmission by facsimile signed by Jeannine D. Vasquez dated May 20, 2003, and a copy of an auto-reply response to the facsimile transmission from the U.S. Patent and Trademark Office acknowledging that 15 pages were received (including the cover sheet) on May 20, 2003. The auto-reply obviates the need for the personal knowledge statement of transmission as it provides proof of actual receipt.

Petitioner has established that a timely response was filed on May 20, 2003 within the 3-month shortened statutory period of response and that no extension of time fees were required for the response.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **VACATED.**

The application file is being forwarded to the technical support staff for entry of the response. From there, the application file will be forwarded to the examiner for consideration of the response.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 16

JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS TX 75202

MAILED

APR 02 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ON PETITION

In re Application of:
Per Bjorndahl
Application No. 09/232,289
Filed: January 15, 1999
For: **SYSTEM, METHOD AND APPARATUS FOR SECURE TRANSMISSION OF CONFIDENTIAL INFORMATION**

This is a decision on the request filed December 12, 2002, to withdraw the holding of abandonment under MPEP 711.03(c)(II) and pursuant to 37 C.F.R. § 1.181(a). No fee is required.

A Notice of Abandonment was mailed October 1, 2002 for failure to timely submit a response to the Office action mailed November 30, 2001.

Petitioner alleges that no Office action was received.

In support of his allegation, petitioner has made of a statement of non-receipt of the Office action, a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and has submitted a copy of the docket record where the non-received Office communication would have been entered had it been received.

A review of the file record indicates that there was an irregularity in the mailing of the Office action of November 30, 2001, as it was mistakenly mailed to an incorrect correspondence address.

Accordingly, the petition is **GRANTED**.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The Office action mailed November 30, 2001 is hereby vacated. The application file is being forwarded to the examiner for issuing a new Office action. The time period for response will be set to run from the date the new Office action is mailed.

Allen MacDonald

Allen MacDonald, Director
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Oct. 25, 2005

TO SPE OF : ART UNIT 2662 (*Exr. is Hanh Nguyen*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,856,627 09/232 397

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Palm location 7580, Certificates of Correction Branch – South Tower – 9A22

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please see the references cited. Your denial or approval decision is needed below.

Thank You For Your Assistance

sp STACY POWELL

Certificates of Correction Branch

Tel. No. 703-308-9390 x120

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments:

There is no record showing that the patents in question were submitted in any IDS.

SPE

2662

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

BEST AVAILABLE COPY

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6138739	2000-10-31	09232560	1999-01-15	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Kenneth M Bush/	Date (YYYY-MM-DD)	2009-03-31
Name	Kenneth M. Bush	Registration Number	40544

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6138739
Issue Date: October 31,2000
Application No. 09232560
Filed: January 15,1999
Attorney Docket No. 39-18

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 31,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 31,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

MAIL

Paper No. 18

SEP 2 7 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ROLF JANSEN
P O BOX 73161
HOUSTON TX 77273

In re Application of :
Rolf Jansen :
Application No. 09/232,566 :
Filed: January 15, 1999 :
For: **TRACTOR/TRAILER BACK UP KIT** :

DECISION ON PETITION

This is a decision on the Petition to Make Special filed August 30, 2001 under MPEP §708.02 (IV), applicant's age and also a decision on the Petition to the Director pursuant to 37 CFR§ 1.181, filed October 12, 2001.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a declaration executed by Rolf Jansen in support of the petition, evidencing that he is over 65 years of age.

Accordingly, the petition to make special is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

Regarding applicant's petition to the Director, the petition is to "..complain of unfair conduct of the examiner, with respect to the format of the appellant's brief". Specifically, petitioner requests that the "Commissioner of Patents and Trademarks overrule and rescind the examiner's order of September 20, 2001 holding the Brief non-compliant.

A review of the application reveals that the U.S. Patent and Trademark Office (Office) mailed a final Office action on January 29, 2001. Applicant filed a request for two month extension of time on April 24, 2001 and then filed on June 28, 2001, via certificate of mailing, a Notice of Appeal. On August 30, 2001 applicant timely filed the brief in question as well as the petition to make special as addressed above. On September 20, 2001, the Office mailed out a Notice of Non-Compliance for failure to comply with numerous sections of 37 CFR §1.192(c). On October 12, 2001, applicant filed the subject petition and a request for a one month extension of time (paying for three months) to respond to the Notice of Non-Compliance. On December 12, 2001 (11/20/01 with certificate of mailing) applicant filed for another one month extension of time to respond to the Notice of Non-Compliance. This should have been a request for two month extension with first month previously paid. Instead, applicant paid for four months extension of time. On January 16, 2002 (12/19/01 with certificate of mailing) applicant filed a request for a third one month extension of time to respond to the outstanding Notice of Non-Compliance. This should have been a request for three month extension of time with the first two months having been previously paid for. Instead, applicant paid for five months extension of time. On January 31, 2002 the Office mailed a new non-final Office action, essentially reopening prosecution. Unfortunately, a statement to that effect is not noted in the new Office

communication. On February 22, 2002 (1/19/02 certificate of mailing) applicant filed a petition pursuant to 37 CFR §1.182 requesting grant of extension of time until the 37 CFR §1.181 petition is decided, stating that "..applicant has mailed all the payments to the PTO for extensions of time to respond to the examiner's action of 9/20/01, that are allowable". On June 3, 2002 (5/30/02 certificate of mailing), applicant filed a one month extension of time, a request for reinstatement of the appeal and a supplemental appeal brief. On August 16, 2002, the examiner prepared and mailed an answer to appellant's brief.

MPEP §1206 Appeal Brief, states in part:

> APPEAL BRIEF CONTENT...
> An exception to the requirement that all the items specified in 37 CFR 1.192(c) be included in the brief is made if the application or reexamination proceeding is being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192(c) will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8). If the brief of a pro se appellant is accepted, it will be presumed that all the claims of a rejected group of claims stand or fall together unless an argument is included in the brief that presents reasons as to why the appellant considers one or more of the claims in the rejected group to be separately patentable from the other claims in the group. [emphasis added]

37 CFR §1.192 Appellant's brief, states in part:...

> (c) The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an applicant who is not represented by a registered practitioner:
>
> (1) Real party in interest. A statement identifying the real party in interest, if the party named in the caption of the brief is not the real party in interest.
> (2) Related appeals and interferences. A statement identifying by number and filing date all other appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal...
>
> (8) Argument. The contentions of appellant with respect to each of the issues presented for review in paragraph (c)(6) of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each issue should be treated under a separate heading.
>
> (i) For each rejection under 35 U.S.C. 112, first paragraph, the argument shall specify the errors in the rejection and how the first paragraph of 35 U.S.C. 112 is complied with, including, as appropriate, how the specification and drawings, if any,
>
> (A) Describe the subject matter defined by each of the rejected claims,
> (B) Enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims, and
> (C) Set forth the best mode contemplated by the inventor of carrying out his or her invention.
>
> (ii) For each rejection under 35 U.S.C. 112, second paragraph, the argument shall specify the errors in the rejection and how the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(iii) For each rejection under 35 U.S.C. 102, the argument shall specify the errors in the rejection and why the rejected claims are patentable under 35 U.S.C. 102, including any specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection.
(iv) For each rejection under 35 U.S.C. 103, the argument shall specify the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument shall explain why the references, taken as a whole, do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of this paragraph.
(v) For any rejection other than those re-ferred to in paragraphs (c)(8)(i) to (iv) of this section, the argument shall specify the errors in the rejection and the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error.

The appellant's brief of August 30, 2001 substantially meets the requirement of 37 CFR §1.192(c)(1,2 and 8) as defined by MPEP 1206 concerning Pro Se appellants. Specifically, the appellant states that they are a pro-se appellant, that appellant was not represented by a registered practitioner and that this was the first appeal brief they had ever written (taken as satisfying the requirement of 37 CFR §1.192 (c)(2)), and the brief contained presentation of arguments to each of the issues presented in the Office action.

Consequently, the Notice of Non-Compliance mailed September 20, 2001, requiring the pro-se appellant to comply with all of the requirements of 37 CFR §1.192(c), was improper.

Therefore, appellant's brief should have been considered by the Office. Given that prosecution was re-opened in view of a new grounds of rejection on January 31, 2002, the Office's Non-Compliant Notice is vacated.

Accordingly, petitioner's request that the "examiner's order of September 20, 2001" be rescinded, is **Dismissed as Moot**.

It is noted that the pro-se appellant's supplemental appeal brief has been considered as having met the requirements of 37 CFR §1.192 and has been treated in the Examiner's Answer mailed August 26, 2002.

The application will be forwarded to the Office of Patent Legal Administration (OPLA) to address applicant's 37 CFR 1.182 petition regarding fees paid and request for extensions of time. From there, the application will be forwarded to the Board of Patent Appeals and Interferences for decision of the appeal.

Reinhard Eisenzopf FOR
Mark Powell, Director
Technology Center 2600
Communications

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

Paper No. 19

Rolf Jansen
PO Box 73161
Houston, TX 77273

COPY MAILED

OCT 2 5 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rolf Jansen :
Application No. 09/232,566 :
Filed: January 15, 1999 :
For: Tractor/Trailer Back Up Kit :

This is a decision on the petition under 37 CFR 1.182, filed February 22, 2002, which is being treated as a petition under 37 CFR 1.181, requesting a refund of fees paid.

On August 2, 2000, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period to reply. On October 17, 2000, petitioner submitted a request for a two-month extension of time to respond with a check in the amount of $250.00. The fee for a two-month extension of time due on October 17, 2000, was $195.00. Therefore, petitioner overpaid by $55.00.

On January 29, 2001, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. On April 24, 2001, petitioner submitted a request for a three-month extension of time to respond with a check in the amount of $250.00. On July 2, 2001 (certificate of mailing dated June 28, 2001), petitioner filed a Notice of Appeal. On August 30, 2001, petitioner timely filed a brief, as well as a petition to make special pursuant to MPEP 708.02.

On September 20, 2001, the Office mailed a Notice of Non-Compliance for failure to comply with numerous sections of 37 CFR 1.192(c). On October 12, 2001, petitioner filed a petition to Director under 37 CFR 1.181 and a request for a one-month extension of time to respond to the Notice of Non-Compliance. However, petitioner paid a for a three-month extension of time. On December 12, 2001 (certificate of mailing dated November 20, 2001), petitioner filed another request for a one-month extension of time to respond to the Notice of Non-Compliance. However, petitioner paid for a four-month extension of time. On January 16, 2002 (certificate of mailing dated December 19, 2001), petitioner filed a request for a third one-month extension of time to respond to the outstanding Notice of Non-Compliance. However, petitioner paid for a five-month extension of time.

Upon a review of the finance records, petitioner should have filed a request for an extension of time within the third month to respond to the Notice of Non-Compliance and paid a $460.00 fee. Therefore, petitioner overpaid the extension of time fees by $1,700.00.

On September 27, 2004, the Office mailed a decision granting the petition to make special and dismissing the petition under 37 CFR 1.181 as moot.

On January 31, 2002, the Office mailed a nonfinal Office action, essentially reopening prosecution. On February 22, 2002, petitioner filed the present petition with a $130.00 petition fee. However, because the petition is being treated as a petition under 37 CFR 1.181, no petition fee is necessary.

On June 3, 2002 (certificate of mailing dated May 30, 2002), applicant filed a one-month extension of time, a request for reinstatement of the appeal, and a supplemental appeal brief. On August 16, 2002, the examiner prepared and mailed an answer to appellant's brief.

After a thorough review of the Office finance records, it is determined petitioner is entitled to a refund of $1,885.00 due to overpayment by petitioner. Accordingly, the petition is **granted**. Petitioner will be refunded $1,885.00 by treasury check.

The application file is being forwarded to the Board of Patent Appeals and Interferences for a decision on the appeal.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera 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

ROLF JANSEN
P.O. BOX 73161
HOUSTON TX 77273

COPY MAILED

NOV 15 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rolf Jansen :
Application No. 09/232,566 :
Filed: January 15, 1999 :
For: TRACTOR/TRAILER BACK UP KIT :

This is a decision on the petition, filed November 1, 2006, under 37 CFR 1.313(a) to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

37 CFR 1.313(a) states in part:

> "Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in 1.17(h) and a showing of good and sufficient reason why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition includes the requisite petition fee and authorization for the fee submission of an information disclosure statement under 37 CFR 1.17(p).

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. In this regard, as petitioner is seeking review of the examiner's action in the Examiner's Amendment of claim 4, such review is more appropriately by way of a petition under 37 CFR 1.181. Accordingly, this matter is being referred to the Director of Technology Center AU 2621 for consideration of this petition as one under 37 CFR 1.181 for review of the examiner's actions. Should it be deemed necessary, the Director of Technology Center AU 2621 has been delegated the authority to withdraw the application from issue.

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Petitioner is advised that failure to timely pay the issue fee on or before the due date of December 15, 2006 will result in the abandonment of this application.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 13

James J. Murphy
5400 Renaissance Tower
1201 Elem Street
Dallas, TX 75270-2199

COPY MAILED

JUL 25 2002

OFFICE OF PETITIONS

In re Application of :
Alan Curtis Perkins, et al. :
Application No. 09/232,622 :
Filed: January 19, 1999 :
Attorney Docket No. AT9-98-346 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed July 3, 2001, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 4, 2001.

Receipt is acknowledged of the Appeal Brief filed July 9, 2002.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2100, Art Unit 2173.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 11/15/04

DATE : October 6, 2004

TO SPE OF : ART UNIT 1600

SUBJECT : Request for Certificate of Correction on Patent No.: 6,281,410 (Serial No. 09/232,861)

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.
Line 8, appears to be a change made by Examiner and appears to be correct as printed in the printed patent; Line 9, appears to be reinstating changes text/data deleted by Amendment D filed Nov. 15, 2000 (paper #15) and *applicants' error?*, since there appears to be no other amendments to this data; and undoing changes made by Examiner? Please note below whether/which requested changes are appropriate and should and/or should approved, approved in part and or denied.

Cecelia Newman
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments:
Request for Corrected Filing Receipt of 11/15/00 (paper #19) correctly reflects patent file face. 07/267,685 is correct parent SN – see declaration of 2/5/01 (paper #21). Reference to parent 08/692,605 was deleted by amdt 11/21/00 (#15).

Amy Nelson — **SPE**

1638 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 20

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

COPY MAILED

JUN 1 8 2002

OFFICE OF PETITIONS

In re Application of
Xu, et al.
Application No. 09/232,880
Filed: January 15, 1999
Attorney Docket No. 210121.428C6

DECISION ON PETITION

This is a decision on the petition filed April 2, 2002, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to timely file an Appeal Brief (and fee) within the time period provided in 37 CFR 1.192(a). A final Office action was mailed on February 13, 2001, which set a shortened statutory period for reply of three (3) months. On June 18, 2001, petitioner filed an amendment, made timely by including a Certificate of Mailing dated June 13, 2001 and by obtaining a one month extension of time. However, the amendment was not entered as it did not *prima facie* place the application in condition for allowance. Petitioner then filed a Notice of Appeal on August 13, 2001[1]. Accordingly, the two month period of time (extendable under 37 CFR 1.136(a)) for filing the Appeal Brief started to run from August 13, 2001. No Appeal Brief having been filed and no extensions of time having been received, the above-identified application became abandoned on October 14, 2001. The mailing of the instant decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner submitted a Continued Prosecution Application (CPA), paid the petition fee, and made the proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity with the Continued Prosecution Application

[1] Petitioner was not charged for an extension of time to make the filing of the Notice of Appeal timely, despite an authorization to charge any necessary fees to his Deposit Account. Accordingly at this time, $810 has been charged to Deposit Account No. 19-1090, representing the fee for a three month extension of time ($920) minus the fee for a one month extension ($110) that was already paid on June 13, 2001.

(CPA) filed on January 23, 2002.

The application file is being forwarded to Technology Center 1600 for processing of the CPA.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

JAN 12 2005

#29

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of	:
Jiangchun Xu et al	:
Serial No.: 09/232,880	: PETITION DECISION
Filed: January 15, 1999	:
Attorney Docket No.: EV335610853	:

This is in response to the petition under 37 CFR 1.181, filed October 15, 2004, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Final Office action to applicants on June 17, 2003, setting a three month statutory period for payment of the Issue Fee. On August 18, 2003, applicants filed an amendment which was denied entry by the examiner in an Advisory Action mailed September 8, 2003. On October 16, 2003, applicants filed RCE papers. Although the fees were recorded, the paper was not further processed. On March 5, 2004, the Office mailed a Notice of Abandonment to applicants. Applicants with their petition supply a copy of the RCE papers previously filed which will be used in the file. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded for processing of the RCE papers and will then be forwarded to the examiner for further consideration.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Jasemine C. Chambers
Director, Technology Center 1600

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

COPY MAILED

AUG 13 2009

OFFICE OF PETITIONS

G F GALLINGER
7420 MILNER DR
COLORADO SPRINGS CO 80920

In re Patent No.: 6,105,683 :
Issue Date: August 22, 2000 :
Application No.: 09/232,918 : ON PETITION
Filed: January 19, 1999 :
Attorney Docket No. POST-PKR.AB

This is a decision on the petition, filed August 28, 2008, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of maintenance fee for the above-identified patent.

The decision mailed November 18, 2008, is **vacated**.

The petition is **dismissed as moot**.

The patent issued August 22, 2000. The 7.5 year maintenance fee could have been paid August 22, 2006, through February 6, 2007, and with a surcharge February 7, 2007, through midnight August 22, 2007. Further review of the USPTO finance records reveals that the 7.5-year maintenance fee and surcharge were paid on July 25, 2008. The petition under 37 CFR 1.378(c) is dismissed as moot because there is no relief that can be provided as the 7.5-year maintenance fee was timely received.

The surcharge of $1,640.00 will be refunded, in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 18

AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LE
P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

COPY MAILED

AUG 2 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Brennen et al.
Application No. 09/233,694
Filed: January 19, 1999
Attorney Docket No. 5000-0016

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 2001, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file an Appeal Brief which complied with 37 CFR 1.192(c). A Notification of Non-Compliance with 37 CFR 1.192(c) was mailed on April 20, 2001. The Notification of Non-Compliance set a one (1) month period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 21, 2001. A Notice of Abandonment was mailed on June 28, 2001.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The requirements to revive a petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the present petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent and change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

T. McLaughlin /for.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Louis L. Wu
Agilent Technologies
Corporate Legal Department
1601 California Avenue, MS 17L-5A
Palo Alto, CA 94304-1126

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

Paper No. 32

HUGH R KRESS
BROWNING BUSHMAN P.C.
5718 WESTEIMER
SUITE 1800
HOUSTON, TX 77057

COPY MAILED
NOV 2 9 2004
OFFICE OF PETITIONS

In re Application of
Scott H. Hutchinson, et al. :
Application No. 09/233,860 : ON PETITION
Filed: January 20, 1999 :
Attorney Docket No. BVEW:154 :

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed November 22, 2004.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid September 27, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

After the application is received in the Office of Petitions, the file will be forwarded to Technology Center AU 2123 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE: P. Rodriguez

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25/07

TO SPE OF : ART UNIT 2123

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/233,860 Patent No.: 7062550

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: Applicant's request for a certificate of correction cannot be granted. A change of inventor's name must be filed with a petition and fee under 37 CFR 1.182, 1.17. See MPEP 605.04(c) and 719.02(b).

SPE

2121
Art Unit

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

Date Mailed : 06/13/07

Patent No. : 7062550 B1
Patent Issued : 06/13/06
Docket No. : **BVEW:154**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 04/18/07; please see attachment. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Cecelia Newman, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703)-308-9390 #112

Sam Campbell
Campbell Stephenson Ascolese LLP
4807 Spicewood Springs Road
Building 4
Austin TX 78759

LMN

SPE: P. Rodriguez

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25/07

TO SPE OF : ART UNIT 2123

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/233,860 Patent No.: 7062550

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: Applicant's request for a certificate of correction cannot be granted. A change of inventor's name must be filed with a petition and fee under 37 CFR 1.182, 1.17. See MPEP 605.04(c) and 719.02(b).

SPE

2121
Art Unit

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 Patent No. 6218719
Issue Date: April 17,2001
Application No. 09234015
Filed: January 19,1999
Attorney Docket No. CMSI.002US1

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed October 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 28,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6218719	2001-04-17	09234015	1999-01-19	LY-09006

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/TWT/	Date (YYYY-MM-DD)	2009-10-28
Name	Thomas W. Tolpin	Registration Number	27600

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

QUARLES & BRADY LLP
FIRSTAR PLAZA, ONE SOUTH PINCKNEY STREET
P.O. BOX 2113 SUITE 600
MADISON, WI 53701-2113

COPY MAILED

MAY 25 2004

OFFICE OF PETITIONS

In re Application of	:	
Raines, Ronald T.	:	
Application No. 09/234,028	:	ON PETITION
Filed: January 20, 1999	:	
Attorney Docket No. 960296.95360	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 3, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed June 30, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on October 1, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is now being forwarded to Technology Center 1600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6560651
Issue Date: May 6,2003
Application No. 09234044
Filed: January 19,1999
Attorney Docket No. 02541.P001C

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed August 16,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 16,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,560,651	2003-05-06	09/234,044	1999-01-19	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◉ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Michael Shanahan/	Date (YYYY-MM-DD)	2007-08-16
Name	Michael Shanahan	Registration Number	43914

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

COPY MAILED

NOV 0 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Marvin L. Williams	:	
Application No. 09/234,351	:	ON PETITION
Filed: October 20, 1999	:	
Attorney Docket No. WILLIAMS 2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 26, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed January 2, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2004.

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on August 26, 2004.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

The application is being forwarded to Technology Center AU 2176 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 15

LAW OFFICES OF MARK C. PICKERING
P.O. BOX 300
PETALUMA CA 94953

COPY MAILED

NOV 1 3 2003

OFFICE OF PETITIONS

In re Reissue Application of
Intrater, et al.
Reissue Application No. 09/234,427
Filed: January 20, 1999
Original Patent No. 5,630,153
Issue Date: May 13, 1997
For: INTEGRATED DIGITAL SIGNAL PROCESSOR/GENERAL PURPOSE CPU WITH SHARED INTERNAL MEMORY

ON PETITION

This is a decision on the petition under 37 CFR 1.183, filed August 27, 2003 (certificate of mailing August 25, 2003), which is being treated as a request under 37 CFR 1.183 to suspend 37 CFR 1.172 and 1.67 where they require execution of a supplemental reissue declaration by all of the inventors.[1]

The petition is **granted**.

The original patent named Amos Intrater, Gideon Intrater, Moshe Doron, Lev Epstein, Maurice Valentaten, and Israel Griess as joint inventors. The parent reissue application papers were executed by a joint reissue declaration that was signed by all 6 inventors and filed on January 20, 1999. In view of the execution of the original reissue declaration by the joint inventors and the showing that diligent efforts were made to obtain the signature of joint inventor Valentaten, under the extraordinary circumstances of this reissue application, justice would be served by suspending the regulations to the extent they require the execution of supplemental reissue declarations by joint inventor Valentaten.

The file is being returned to Technology Center AU 2183.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

---

[1] A reissue declaration must satisfy 37 CFR 1.175, and 37 CFR 1.63 (37 CFR 1.175(a); MPEP 1414), and be signed by the inventors. 37 CFR 1.172. When an inventor who executed an original declaration under 37 CFR 1.63 (as in the parent reissue application) refuses to execute a required supplemental declaration (as in the instant reissue application), the requirement may be waived under 37 CFR 1.183. See MPEP 1414.01.

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

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

Law Office Of Mark C. Pickering
P.O. Box 151440
San Rafael CA 94915-1440

In re Application of :
Intrater, et al. :
Application No. 09/234,427 : ON PETITION
Filed: January 20, 1999 :
Attorney Docket No. NSC8-8400 :

This is a decision on the August 27, 2008 petition filed under 37 CFR 1.183 [1] requesting suspension or waiver of the regulations (37 CFR §§ 1.67 and 1.175) that require the inventors to sign any supplemental declaration in a broadening reissue application.

The petition under 37 CFR 1.183 is GRANTED for the reasons stated below.

U.S. Patent No. 5,630,153 issued to Amos Intrater, et al. on May 13, 1997. A broadening reissue application (the present application) was filed on January 20, 1999, and it was assigned application umber 09/234,427. On August 27, 2008, applicants filed a petition under 37 CFR 1.183 requesting suspension or waiver of the "regulations pertaining to the filing of a Supplemental Declaration under 37 C.F.R. § 1.175" that require a supplemental reissue declaration to be signed by the joint inventors. The petition is accompanied by a "Supplemental Reissue Declaration," signed by five of the six inventors. It is for this supplemental declaration that the petition requests acceptance, via suspension or waiver of the regulations.

The petition proffers a showing to establish that, despite diligent effort, inventor Maurice Valentaten cannot be found or reached to sign the supplemental reissue declaration. The Mark C. Pickering declaration and the discussion in the petition set forth (a) the efforts made on behalf of the assignee to locate the non-signing inventor and obtain the requisite signature on the supplemental declaration, and (b) the lack of success of such efforts.

35 U.S.C. 251, which is directed to reissue, does not address the signature requirements of a declaration in reissue. 37 CFR 1.172 requires that a reissue declaration be made (and signed) by the inventors, except as otherwise provided (§§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. 37 CFR § 1.175(b)(1), requires that:

> "For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration

stating that every such error arose without any deceptive intention on the part of the applicant."

37 CFR 1.175(b)(1), taken in conjunction with 37 CFR 1.172, requires a supplemental declaration to be signed by all inventors. This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signature of the inventor(s).

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and applicant has requested a waiver of the requirement that the 37 CFR 1.175(b)(1) supplemental declaration be signed by all of the inventor.

The instant petition and supporting declaration of Mark C. Pickering provide an appropriate and sufficient showing that the inventor cannot be reached or found sign the supplemental declaration. Further, a review of the record reveals that the inventor assigned his entire right, title and interest in the application (and the patent for which reissue is requested) to National Semiconductor Corporation by way of an assignment recorded at Reel/Frame 006184/0772 on July 1, 1992. In addition, absent a waiver of the rules, the assignee will be unable to obtain a reissue patent for the instant broadening reissue application, and will be irreparably damaged.

In view thereof, the petition under 38 CFR 1.183 to waive the requirements of 37 CFR 1.67 and 1.175 is hereby GRANTED.

Please direct any questions related to this decision to Petitions Attorney Alesia M. Brown at (571) 272-3205.

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

Ken/pet7/reissue

Sept. 11, 2009

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

KNOBBE MARTENS OLSON & BEAR
LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

APR 1 3 2009

OFFICE OF PETITIONS

In re Patent No.

6,252,209

Application No. 09/234,587

Filed: January 21, 1999

Issued: June 26, 2001

Attorney Docket No. **KM2111.001A**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.182, filed February 13, 2009, requesting duplicate Letters of Patent.

The petition is **granted.**

The above-cited application matured into United States Patent No. 6,252,209 on June 26, 2001. On behalf of the assignee of the subject patent, petitioner states that the Letter of Patent was lost or stolen and request duplicate Letter of Patent, accordingly.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was lost after receipt. The Office of Data Management is directed to issue duplicate Letters of Patent.

It is noted that petition fee was paid twice. The amount of $400.00 will be refunded, in due course.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Niomi Farmer, Office of Data Management at (703) 308-9250 extension 129.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Niomi Farmer—Office of Data Management FAX: 571-270-9753

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

MARK K JOHNSON
PO BOX 510644
NEW BERLIN WI 53131-0644

COPY MAILED

JUL 10 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Wolff, et al.
Application No. 09/234,606
Filed: January 21, 1999
Attorney Docket No. MIRUS.010

DECISION ON PETITION

This is a decision on the petition filed on May 22, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, mailed November 2, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time for reply under the provisions of 37 CFR 1.136(a) were obtained. No response having been received, the above-identified application became abandoned on February 3, 2001. The instant petition precedes the mailing of a Notice of Abandonment, which was mailed on July 5, 2001.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's amendment, filed May 22, 2001.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Marc Johnson for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

DAVID A. JACKSON
KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

COPY MAILED

JUL 24 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of	:	
John W. Liskowitz & Dennis Just	:	
Application No. 09/234,810	:	ON PETITION
Filed: January 21, 1999	:	
Attorney Docket No. 715-1-060-CI	:	

This is in response to the communication filed October 18, 1999, which is being treated as a petition under 37 CFR 1.47(a)."

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 21, 1999 without an executed oath or declaration and naming John W. Liskowitz and Dennis Just as joint inventors and without the filing fee.

Accordingly, on February 10, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. On April 15, 1999, a new Notice to File Missing Parts was mailed in view of a memorandum in the file which states that the applicant has requested a new Notice in view of the fact that, while there was no authorization, the Office nevertheless charged the filing fees to applicant's deposit account. The new Notice

of April 15, 1999 required the submission of the filing fees, an executed oath or declaration and a surcharge for their late filing.

In response, on July 16, applicant submitted a combined Declaration and Power of Attorney (signed by only one inventor), the filing fees, a small entity statement, and a $55 fee for an extension of time.

On October 6, 1999, the Office mailed a Notice of Incomplete Response stating that the oath or declaration is not executed in compliance with 37 CFR 1.64(a) because the signature of inventor Dennis Just was missing.

In response, on October 18, 1999, petitioner submitted the instant petition and a copy of a petition under 37 CFR 1.47(a) (with attachments) filed in prior Application No. 08/768,167. No fee for an extension of time accompanied the response, which is necessary in order to render the filing of the petition timely. However, in the communication filed July 16, 1999, petitioner authorizes the charging of any fees related to the filing and processing of the present application in accordance with 37 CFR 1.16 and 1.17. Therefore, a fee of $625 ($680 - $55 = $625) for a four month extension of time will be assessed to petitioner's Deposit Account No. 11-1153.

The petition states that inventor Just was named as a co-applicant in parent Application No. 08/768,167, of which the instant application is a continuation-in-part. The parent application contained a petition under 37 CFR 1.47(a) stating that inventor Just was contacted and requested to execute a Declaration and Power of Attorney but that inventor Just did not respond. Instead, correspondence was received from inventor Just's employer indicating that Dr. Just would not be permitted to execute the Declaration. A copy of the letter from inventor Just's employer accompanies the petition filed in the parent application as proof of the refusal to join in the application. The petition under 37 CFR 1.47(a) filed in the parent application further indicates that inventor Just was supplied with a copy of the application papers. Additionally, petitioner states that the circumstances regarding Dr. Just and the company Union Process remain the same, and efforts to contact Dr. Just have met with failure.

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. Applicant lacks item (1) set forth above.

As to item (1), petitioner has not demonstrated that a copy of the instant CIP application papers was presented to inventor Just for signature. Further, reliance upon the showing in the Rule 47 petition filed in the parent application (No. 08/768,167) is not justified since there is no indication from the computer database records that a petition under 37 CFR 1.47(a) was ever granted in that application. Nevertheless, since the instant application is designated as a continuation-in-part application and would by its definition contain new matter, and since inventor Just has never been presented with a copy of the CIP application papers, petitioner should make an effort to obtain the signature of inventor Just. While the inventor expressly refused through his employer to join in the parent application, the record fails to establish that inventor Just continues to refuse to join in the filing of the instant CIP application. In this regard, petitioner states that the "circumstances regarding Dr. Just and the company Union Process remain the same, and efforts to contact Dr. Just have met with failure." Petitioner has not presented any evidence of the diligent and continued efforts to contact inventor Just to obtain his signature on the application papers. Petitioner should show that a copy of the instant CIP application papers was presented to inventor Just, but that he did not respond to the request that he sign the oath/declaration in order to show that the inventor has refused to join in the instant CIP application. A copy of the CIP application papers (specification, claims and drawings) should be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application. Any renewed petition must be accompanied by documentary evidence of the attempts to locate and obtain the signature of inventor Just.

As to item (4) above, the petition does not set forth the last known address of non-signing inventor Just.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Frances Hicks at 703) 305-8680.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

PAPER NO. 14

DAVID A. JACKSON
KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

COPY MAILED

FEB 03 2003

OFFICE OF PETITIONS

In re Application of	:
John W. Liskowitz & Dennis Just	:
Application No. 09/234,810	: DECISIONS GRANTING
Filed: January 21, 1999	:STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No: 715-1-060-CI	:AND REVIVAL 37 CFR 1.137(b)
	:

This is a decision on the petition filed October 3, 2002, requesting reconsideration of a decision mailed July 24, 2000, which refused to accord 37 CFR 1.47(a) status to the above-identified application. This is also a decision on the concurrently filed petition under 37 CFR 1.137(b) to revive the above-identified application.

The petitions under 37 CFR 1.47(a) and 1.137(b) are granted.

This application became abandoned for failure to timely reply to the Office action mailed July 24, 2000, which set a two month extendible period within which to reply. No extensions of time and reply having been received, this application became abandoned on September 25, 2000.

Petitioner has adequately demonstrated that the nonsigning inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center 1700 for examination in due course.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 14

Sheridan Ross
1560 Broadway, Suite 1200
Denver, CO 80202-5141

COPY MAILED

FEB 27 2003

OFFICE OF PETITIONS

In re Application of :
DENTON et al. :
Application No. 09/235,065 : ON PETITION
Filed: January 21, 1999 :
Attorney Docket No. 4366-27 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 14, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed July 30, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 31, 2002.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 2642 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

ALAN W. YOUNG
YOUNG LAW FIRM, P.C.
4370 ALPINE RD., STE 106
PORTOLA VALLEY, CA 94028

COPY MAILED

AUG 2 0 2007

OFFICE OF PETITIONS

In re Application of
Arvind Nath Puri et al
Application No. 09/235,120
Filed: January 21, 1999
Attorney Docket No. ORCL5543

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(a)

This is a decision on the petition filed, August 16, 2007, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed as moot** for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on July 30, 2007, with the issue fee being due on or before October 30, 2007. Office records show the issue fee in this case has not been paid.

A filing of an Request for Continued Examination (RCE) and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
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
www.uspto.gov

COPY MAILED

OCT 17 2005

OFFICE OF PETITIONS

FISH & RICHARDSON
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Shunpei Yamazaki et al	:	
Application No. 09/235,143	:	ON PETITION
Filed: January 21, 1999	:	
Attorney Docket No. 07977/15002/	:	

This is a decision on the petition, filed October 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 10, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2812 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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

FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS, MN 55440-1022

COPY MAILED
APR 1 8 2006
OFFICE OF PETITIONS

In re Application of	:
Shunpei Yamazaki et al	:
Application No. 09/235,143	: DECISION GRANTING PETITION
Filed: January 21, 1999	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07977/15002	:

This is a decision on the petition, filed April 14, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 27, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\235143.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

COPY MAILED

MAY 1 1 2001

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

ON PETITION

LORUSSO & LOUD
3137 MOUNT VERNON AVENUE
ALEXANDRIA, VA 22305

In re Application of
Keller, et al.
Application No. 09/235,153
Filed: January 22, 1999
Attorney Docket No. SB-B750

This is a decision on the petition under 37 CFR 1.182, filed December 21, 1999, and resubmitted on February 28, 2001, to change the order of the names of the inventors.

The petition is **granted**.

The order of the names of the inventors will be changed as follows:

1. Wilfred A. Keller
2. Raju S.S. Datla
3. Jin-Zhou Dong
4. Fawzy Georges
5. Atta A.K. Hussain
6. Gopalan Selvaraj

The Office records have been corrected to reflect the change of the order of inventorship indicated above.

The application file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina T. Tartera

Christina T. Tartera
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATEN
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 2023
www.uspto.g

MAIL

Paper No. 26

MAY 1 9 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

John Schaub
D'Alessandro & Ritchie
P.O. Box 640640
San Jose, California 95164-0640

In re Application of: Joshua Susser et al.	)	
Application No.: 09/235,159	)	**DECISION ON PETITION**
Filed: January 22, 1999	)	**UNDER 37 C.F.R. § 1.181 TO**
For: TECHNIQUES FOR PERMITTING	)	**WITHDRAW HOLDING OF**
ACCESS ACROSS A CONTEXT	)	**ABANDONMENT AND FOR**
BARRIER IN A SMALL FOOTPRINT	)	**ISSUANCE OF A NEW**
DEVICE USING SHARED	)	**OFFICE ACTION**
OBJECTIVE INITIATIVES	)	

This decision is in response to the communication hand-carried to Technology Center 2100 April 30, 2003 and the petition filed May 15, 2003 under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed June 20, 2002 (Paper No. 15). A Notice of Abandonment was mailed April 9, 2003 (Paper No. 23).

In support of the petition, Petitioner provides (along with many other papers) copy of (1) a Preliminary Amendment dated January 11, 2000; (2) a post card with a PTO stamp indicating receipt at the USPTO on January 11, 20002 of a preliminary amendment; (3) an authorization to charge fees to Deposit Account No. 50-0417; (4) an amendment bearing a certificate of mailing dated October 18, 2002; (5) a Petition for a one month extension of time; (6) a terminal disclaimer; (7) an Information disclosure statement; (8) an authorization to charge fees to Deposit Account No. 50-1698; (9) a post card with a PTO stamp indicating receipt at the USPTO on October 21, 2002 of the amendment and other papers filed October 18, 2002. The fee payments for the extension of time, the disclaimer and the IDS were posted to the application. on October 23, 2002.

M.P.E.P. § 503 states:

> A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a timely response was filed and the Abandonment was the result of Office error in not matching the response to the application file. Therefore, the petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

Petitioner has also established that a preliminary amendment was filed January 11, 200 adding claims which were not addressed in the subsequent Office action of mail date June 20, 2002. Therefore, the Office action is defective and a new non-final action must be issued.

A review of the file indicates that the Terminal Disclaimer, the extension of time and the IDS filed October 21, 2002 have all been entered in the file. The amendment filed concurrently was not entered or found in the file. Furthermore, the preliminary amendment filed January 11, 2000 has not been entered nor have the appropriate claim fees been charged.

The application file is being forwarded to the Technology Center support staff for processing of both the January 11, 2000 and the October 21, 2002 amendments. All other submitted papers will be checked to insure proper entry. ***All necessary fees will be charged to Deposit Account 50-1698.***

After processing, the application will then be forwarded to the Examiner for appropriate action .

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

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 Patent No. 6162333
Issue Date: December 19,2000
Application No. 09235173
Filed: January 22,1999
Attorney Docket No. 149.002

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 18,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 18,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6162333	2000-12-19	09235173	1999-01-22	149.002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Charles E Lemon/	Date (YYYY-MM-DD)	2009-03-18
Name	Charles E. Lemon		
Enter Reel and Frame Number		Remove	
Reel Number	009732	Frame Number	0178
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,640,014	2003-10-28	09/235,215	1999-01-22	15670-127001 / SD1999-092

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Bing Ai/	Date (YYYY-MM-DD)	2007-12-20
Name	Bing Ai	Registration Number	43312

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6640014
Issue Date: October 28,2003
Application No. 09235215
Filed: January 22,1999
Attorney Docket No. PRICE1210

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed December 20,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 20,2007. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

JJGJR.: 03-05

Paper No: __

COPY MAILED

MAR 2 4 2005

OFFICE OF PETITIONS

FARKAS AND MANELLI
2000 M STREET NW
7TH FLOOR
WASHINGTON DC 20036-3307

In re Application of	:	
Ubowski, et al.	:	
Application No. 09/235,319	:	DECISION
Filing Date: 22 January, 1999	:	
Attorney Docket No. IYENGAR 8-10	:	

This is a decision on the petition filed on 8 February, 2005, alleging unintentional delay under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the final Office action mailed on 4 May, 2004, with response due under a non-extendable deadline on or before 4 August, 2004;

- on 14 July, 2004, Petitioner filed an after-final amendment, which was not a proper reply

to a final Office action[1] because it did not *prima facie* place the application in condition for allowance;

- the application went abandoned after midnight 4 August, 2004;
- it appears that the Office did not mail a Notice of Abandonment before the instant petition was filed, but did mail a Notice on 9 February, 2005, at which time the Examiner also mailed an Advisory Action;
- on 8 February, 2005, Petitioner filed the instant petition and fee, the reply in the form of a request for continued examination, fee and submission in the form of an amendment, and made the statement of unintentional delay.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing

---

[1] The proper response to the final Office action (see: MPEP 711.03(c)) must be in the form of: (a) an amendment *prima facie* placing the application in condition for allowance; (b) a Notice of Appeal; or (c) a Continuing Application or Request for Continued Examination (RCE) (with fee and submission) under 37 C.F.R. §1.114.

[2] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

Petitioner has satisfied the requirements of the regulation.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) hereby is **granted**.

The instant application is released to Technology Center 2600 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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

Paper No. 18

BLAKE CASSELS & GRAYDON
INTELLECTUAL PROPERTY GROUP
BOX 25 COMMERCE COURT WEST
TORONTO, M5L1S-9
CANADA

COPY MAILED

DEC 2 9 2003

OFFICE OF PETITIONS

In re Application of
Giroux et al.
Application No. 09/235,387
Filed: January 22, 1999
Attorney Docket No. 53921/19

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 5, 2003, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within three months to the final Office action mailed October 22, 2002. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained on March 27, 2003. Accordingly, this application became abandoned on April 23, 2003. A Notice of Abandonment was mailed on September 25, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was intentional, petitioner must notify

[1] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

the Office.

The file is now being forwarded to Technology Center 2600 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Marvin Petry
LARSON & TAYLOR, PLC
1199 North Fairfax Street, Suite 900
Alexandria, VA 22314

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,523,055	2003-02-18	09/235,417	1999-01-20	ZSP-004

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/David H. Hitt/	Date (YYYY-MM-DD)	2007-02-22
Name	David H. Hitt	Registration Number	33182

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,523,055	2003-02-18	09/235,417	1999-01-20	ZSP-004

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/David H. Hitt/	Date (YYYY-MM-DD)	2007-02-22
Name	David H. Hitt	Registration Number	33182

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6523055
Issue Date: February 18,2003
Application No. 09235417
Filed: January 20,1999
Attorney Docket No. M-4820-US

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 22,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 22,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Patent No. 6,327,047 :
Issue Date: December 4, 2001 :
Application No. 09/235,642 : ON PETITION
Filed: January 22, 2001 :
Attorney Docket No. EFIM0070 :

This is a decision on the petition under 37 CFR 1.378(c), filed February 8, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 4, 2009 for failure to pay the 7.5 year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

The patent file is being forwarded to Files Repository.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,294,871	2001-09-25	09235647	1999-01-22	LDHD10785-1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
◉	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/ptd47323/	Date (YYYY-MM-DD)	2010-01-05
Name	Peter T. DiMauro	Registration Number	47323

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6294871
Issue Date: September 25,2001
Application No. 09235647
Filed: January 22,1999
Attorney Docket No. GEC-2-183

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed January 5,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 5,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 10/24/07

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/235770 Patent No: 6624457B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Carl Whitehead
SPE

2813
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 20

COPY MAILED

FEB 25 2003

OFFICE OF PETITIONS

Stephen E. Feldman
12 East 41st Street
New York, NY 10017

In re Application of	:	
Richard Greven	:	
Application No. 09/236,017	:	ON PETITION
Filed: January 22, 1999	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on February 12, 2003. See 37 CFR 1.183.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1733 for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

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

Paper No. 18

MAILED

NOV 19 2003

Technology Center 2100

OPPENHEIMER WOLFF & DONNELLY
P.O. Box 10356
Palo Alto, CA 94303

In re Application of
Harlan M. Hugh, et al
Application No. 09/236,057
Filed: January 22, 1999
For: METHOD AND APPARATUS FOR ORGANIZING AND PROCESSING INFORMATION USING A DIGITAL COMPUTER

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed October 27, 2003.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The signer of the petition, David J. McKinley, is not appointed as an attorney or agent of record. Therefore, he is not authorized to act on behalf of the attorneys of record. Additionally, there is no indication that the application or patent owner has been notified of the withdrawal request. Accordingly, the request is **DENIED**.

All future communication from the Office will be continue to be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the U.S. Patent and Trademark Office (the Office) of any change in correspondence address to ensure receipt of all communications from the Office.

for Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
(703) 305-9750

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

Paper No. 22

LIU & LIU
811 WEST SEVENTH STREET, SUITE 1100
LOS ANGELES CA 90017

COPY MAILED

FEB 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Harlan Hugh et al	:	
Application No. 09/236,057	:	DECISION GRANTING PETITION
Filed: January 22, 1999	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 1172/212	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 2004, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being forwarded to Technology Center AU 2174 for further action as the nature of the case requires.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

LIU & LIU
444 S. FLOWER STREET SUITE 1750
LOS ANGELES, CA 90071

COPY MAILED

FEB 27 2006

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Hugh, et al. :
Application No. 09/236,057 :
Filed: January 22, 1999 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(a), filed February 3, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the non-final Office action mailed June 14, 2005, which set a statutory period for reply of three (3) months from its mailing date. A proper response was not received within the allowed period, and the application became abandoned on September 15, 2005. The Notice of Abandonment was mailed on January 23, 2006.

Petitioner has established that the delay was unavoidable and resulted from a failure to receive the non-final Office action.

The application file is being directed to Technology Center 2100, GAU 2174 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 6
COPY MAILED

OCT 0 5 2000

OFFICE OF PETITIONS
A/C PATENTS

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE N W
SUITE 600
WASHINGTON, DC 20005-3934

In re Application of
Shi et al.
Application No. 09/236,113
Filed: January 25, 1999
Attorney Docket No. 1581.0250001
For: Cathode Arc Source and Graphite Target

: DECISION REFUSING
: STATUS UNDER
: 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed September 13, 1999.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on January 25, 1999 without an executed declaration. Accordingly, on February 12, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed declaration and a surcharge for its late filing. In response, on Monday, September 13, 1999, the instant petition, a petition for a five month extension of time, and a declaration signed by only three of the four inventors was filed.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

As to item (1), unless the non-signing inventor is presented with a copy of the application papers, he cannot attest that he has "reviewed and understands the application papers" and therefore cannot not sign a declaration. Specifically, an inventor cannot in good faith sign a declaration stating "I have reviewed and understand the contents of the above identified specification, inluding the claims" when the non-signing inventor has not been supplied with a copy of the application. Applicant has failed to establish that applicant was provided with a copy of the application papers. Accordingly, Rule 47 applicant has failed to show or provide proof that the inventor has refused to sign the declaration. It is not sufficient that applicant made the papers available. See MPEP, Section 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

DAVID IAN FLYNN
7 WELLAND CLOSE
CROWBOROUGH
EAST SUSSEX
TN6 3BF

COPY MAILED

MAY 0 9 2001

OFFICE OF PETITIONS
A/C PATENTS

LETTER

In re Application of :
Xu Shi, Beng Kang Tay, Hong Siang :
Tan and David Ian Flynn :
Application No. 09/236,113 :
Filed: January 25, 1999 :
Title: CATHODE ARC SOURCE AND :
GRAPHITE TARGET :

Dear Mr. Flynn:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. §1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join 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 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
SUITE 600
WASHINGTON, DC 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 10

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
SUITE 600
WASHINGTON, DC 20005-3934

COPY MAILED

MAY 09 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Xu Shi, Beng Kang Tay, Hong Siang Tan and David Ian Flynn
Application No. 09/236,113
Filed: January 25, 1999
Title: CATHODE ARC SOURCE AND GRAPHITE TARGET

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration of petition under 37 C.F.R. 1.47(a), filed December 4, 2000 (and supplemented by facsimile transmission on April 19, 2001).

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. §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 in the petition.

The initial petition filed September 13, 1999, was dismissed because applicant failed to show that a *bona fide* attempt had been made to present the application papers to non-signing inventor Flynn, including the specification, claims and drawings and not just the declaration, power of attorney and assignment (Decision mailed October 3, 2000). A review of the record reveals that applicant also failed to include a statement of the last known address of the non-signing inventor in the petition. Rather, applicant stated that the last known address was included in the declaration. This is not acceptable. The statement must be included in the petition, and cannot be incorporated therein by reference.

On instant request for reconsideration, applicant submitted *inter alia* a second declaration of facts of George W. Schlich, in which, attorney Schlich declared that on November 8, 2000, an additional copy of the declaration and assignment was forwarded to Mr. Flynn, along with a copy of the application as filed. Inventor Flynn did not respond. Given this additional declaration, it is concluded that applicant has demonstrated that a *bona fide* attempt was made to present the non-signing inventor with a copy of all of the application papers for signature.

Petitioner also filed a supplement to the petition, which included a statement of the last known address of non-signing inventor Flynn.

This application is hereby accorded Rule 1.47(a) status.

As no petition fee is required on request for reconsideration under §1.47(a), the fee submitted has been credited to Deposit Account No. 19-0036, as authorized.

As provided in new Rule 1.47(c), 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 file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

MICHAEL J. MALLIE
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

COPY MAILED

NOV 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Alexander Keith et al	:	
Application No. 09/236,753	:	ON PETITION
Filed: January 25, 1999	:	
Attorney Docket No. 074451.P041X	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed July 1, 2003, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). One-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 2, 2003.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 2621 for further processing.

Irvin Dingle
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

Paper No. 10

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

COPY MAILED
MAR 17 2006
OFFICE OF PETITIONS

In re Application of :
Bogese : DECISION ON PETITION
Application No. 09/236,920 :
Filed: January 25, 1999 :
Atty. Dkt. No.: 099.120 :

This decision is in response to the petition under 37 CFR 1.137(b), filed April 12, 2004. This matter is, *sua sponte*, being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment. No fee is due in connection with this matter and no fee has been assessed.

The petition under 37 CFR 1.181 is hereby **GRANTED**.

This application was held abandoned June 23, 2000 for failure to timely file a proper response to the final Office action mailed March 22, 2000. The final Office action set a three month shortened statutory period for reply. Notice of Abandonment was mailed October 24, 2004.

Petitioner argues the final Office action was never received and further argue that the final Office action was sent to applicants' former attorney in error. Petitioner further argues that a change of correspondence address/power of attorney was submitted August 20, 1999 and that an Office communication accepting the requested change and revocation was mailed August 28, 1999.

Review of the record reveals that petitioner is correct in that the final Office action was improperly mailed to the wrong correspondence address, despite Office notification that the change in correspondence address had been effected.

In view thereof, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 2800 for re-mailing of the final Office action.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES
PATENT AND
TRADEMARK OFFICE

JUN 3 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

PIPER MARBURY RUDNICK & WOLFE LLP
STEVEN B KELBER
1200 NINETEENTH STREET, NW
WASHINGTON DC 20036-2412

#23

In re Application of
Kevin P. Baker et al
Serial No.: 09/236,939
Filed: January 25, 1999
Attorney Docket No.: 9491-018-27X

: PETITION DECISION

This is in response to applicants' petition under 37 CFR 1.181, filed March 28, 2002, requesting withdrawal of finality of an Office action.

A review of the file history shows that this application was filed January 25, 1999, and was amended in response to a first Office action to present claims 31-44 (Paper No. 8). The examiner mailed a non-Final Office action to applicants on June 27, 2000, and remailed the action on December 27, 2000, rejecting all claims under 35 U.S.C. 101 for lack of a specific or substantial disclosed utility and under 35 U.S.C. 112, first paragraph, for the same reason. All claims were further rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for reasons specified and under 35 U.S.C. 102(a) as anticipated by Johnson et al. The previously submitted applicants' declaration under 37 CFR 1.131 was dismissed as failing to show a practical utility.

Applicants replied on June 27, 2001, amending some claims in response to the 35 U.S.C. 112, second paragraph rejection and arguing extensively the rejections under 35 U.S.C. 101, 35 U.S.C. 112, first paragraph, and 35 U.S.C. 102(a). Incorporation of the previously submitted affidavit under 37 CFR 1.131 into the arguments was made to support applicants' position. The examiner mailed a Final Office action to applicants on September 13, 2001, in which the rejections under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, were repeated and applicants' arguments answered. The rejection under 35 U.S.C. 102(a) over Johnson et al was also repeated and new rejections under 35 U.S.C. 102(a) over DiMardo (sic - DiMarco) et al (no explanation given) and under 35 U.S.C. 102(b) over Klein et al were made and the action was made Final.

Applicants replied with an argument after Final rejection on December 21, 2001, presenting essentially the same arguments in response to the 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, rejections in abbreviated form and supporting them by copies of two court decisions. Applicants argue the rejections under 35 U.S.C. 102(a) (both) as improper and overcome by the previously submitted declaration under 37 CFR 1.131. Applicants also presented arguments with respect to the 35 U.S.C. 102(b) rejection as not teaching the claimed invention and therefor, not anticipatory. The examiner mailed an Advisory action to applicants on January 15, 2002, noting

the request for reconsideration but not accepting it and noting only that "the arguments presented therein should be presented in response to the first instance that a rejection has been made, not after final, wherein such arguments are limited solely to those issues newly raised in the final rejection."

Applicants then filed a CPA request with the same argument as presented in response to the Final rejection. The examiner mailed a new Final Office action to applicants on March 7, 2002, setting forth the same rejection under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, for lack of utility and responding to applicants' arguments. The rejection under 35 U.S.C. 102(a) over Johnson et al and over DiMarco et al were repeated as was the rejection under 35 U.S.C. 102(b)- over Klein et al from the previous Office action. This petition followed asserting that the examiner could not make a rejection Final in a first Office action following the filing of a CPA in view of the examiner's comments in the Advisory Action.

DISCUSSION

As noted above, each Office action since the remailed Office action of December 27, 2000, has set forth a rejection under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, for lack of utility. The merits of this rejection have been argued by both the examiner and applicants, each maintaining their respective positions. In addition, the rejection under 35 U.S.C. 102(a) over Johnson et al has been set forth in each Office action and applicants have presented affidavit evidence under 37 CFR 1.131 to remove this reference; however the examiner has not accepted the affidavit for reasons set forth which are related to the lack of utility rejection of record. The positions of the examiner and applicants with respect to these rejections appears to have been fully developed. In the Final Office action two new grounds of rejection were presented with rejections under 35 U.S.C. 102(a) over DiMarco et al and 35 U.S.C. 102(b) over Klein et al. The first opportunity applicants had to argue these rejections was in the amendment submitted in response to the Final rejection. The examiner permitted the argument after Final rejection to be entered, but indicated that the arguments did not overcome the rejections of record. The examiner's comment in the Advisory action, quoted above, is not understood as it appears that no new arguments were presented or positions taken in the reply with respect to the rejections previously of record other than the possible citation and copies of two court decision relating to lack of utility. The statement, contrary to applicants' interpretation, does not indicate that full consideration of applicants' arguments was not made, only that some arguments may have been more appropriately presented in an earlier response. Obviously applicants were required to reply to any newly set forth grounds of rejection which they did in a proper manner. Thus any new arguments appear to be directed only to the new grounds of rejection. There was no indication in the Advisory action that the arguments presented were not considered or required further consideration or search. Thus applicants' argument based on M.P.E.P. 706.07(b) is not supported by the record. Applicants further argue that their arguments were not addressed in the Advisory Action and only first addressed in first Office action after filing of the CPA request which was made Final. There is no requirement that the examiner prepare extensive remarks with respect to arguments, either new or previously of record and repeated, in an Advisory Action, only that the status the rejections of the claims be indicated. Obviously brief remarks should be made to assist applicants in making a reasoned judgement as to whether to pursue further prosecution of the application or not. The remarks made, while not completely clear, are

sufficient to inform applicants that the arguments presented are insufficient to persuade the examiner of the patentability of the claims of record in the application. No effort was made to amend the claims in filing the CPA and, apparently, no contact was made with the examiner to more fully understand the remarks in the Advisory Action prior to filing the CPA request. Applicants aver that the Office action directs applicants towards making extensive changes in the record which would better be made prior to Final rejection. A review of the examiner's action fails to reveal any suggestions for changes. The examiner's judgement in making the Office action mailed March 7, 2002, a Final Office action appears to be within the guidelines set forth in the M.P.E.P.

DECISION

Applicants' petition is **DENIED.** The Finality of the last Office action, mailed March 7, 2002, is maintained.

Applicants remain under obligation to reply to the last Office action within the time period set therein or as may be extended under 37 CFR 1.136(a).

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-7230..

Any request for reconsideration of this decision must be made within TWO MONTHS of the mailing date of this decision and should be addressed to the Office of Petitions.

Bruce M. Kisliuk
Director, Technology Center 1600

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 Patent No. 6167652
Issue Date: January 2,2001
Application No. 09237065
Filed: January 26,1999
Attorney Docket No. CV-0084-B

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 11,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 11,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6167652	2001-01-02	09/237,065	1999-01-26	CV-0084-B

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Keith D. Parr/	Date (YYYY-MM-DD)	2009-03-10
Name	Keith D. Par	Registration Number	33322

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 19

Clariant Corporation
Intellectual Property Department
4000 Monroe Road
Charlotte, NC 28205

COPY MAILED

APR 1 4 2003

OFFICE OF PETITIONS

In re Application of	:	
Padmanaban et al.	:	
Application No. 09/237,125	:	ON PETITION
Filed: January 26, 1999	:	
Attorney Docket No. 1997/A006	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed July 25, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.113 have been obtained. Accordingly, the above-identified application became abandoned on October 26, 2002.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1752 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Alan P. Kass
Clariant Corporation
70 Meister Avenue
Somerville, NJ 08876

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

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

Mail Date: 04/20/2010

Applicant	: NORDINE CHEIKH	: DECISION ON REQUEST FOR
Patent Number	: 7598361	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/237,183	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/26/1999	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **402** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-145

NOV 22 2004

MAILED

NOV 22 2004

OFFICE OF THE DIRECTOR
TC 3600

LEWIS MORGAN
2 Palo Alto Square
3000 El Camino Real
Suite 700
Palo Alto, CA 94306

In re application of
Stephen J. Brown
Application No. 09/237,194 :
Filed: January 26, 1999 :
For: REMOTE HEALTH-MONITORING SYSTEM WITH NETWORKED SERVER AND HEALTH CARE PROFESSIONAL :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on October 22, 2004,under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

As to condition A) each attorney must sign or a clear indication of one signing on behalf of the others is required. Specifically, at least attorneys Sanjeet Dutta, Richard A. Nakashima, Andre L. Marais, James H. Salter, Joseph A. Pugh and Kerry D. Tweet are all listed on the original Power of Attorney but are not included in the list of the withdrawing attorneys. If only the attorneys listed in the request are to have power withdrawn and the remaining attorneys are intended to remain having power of attorney for this case, this needs to be made clear in any supplemental request; otherwise the other attorneys, or a statement that all attorneys of record, would need to be added to the request.

As to condition B), a proper reason for withdrawal as enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 11/08/04

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

NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

COPY MAILED

FEB 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Judy C. Young, et al. :
Application No. 09/237,291 : ON PETITION
Filed: January 25, 1999 :
Attorney Docket No. SYS-2068 :

This is a decision on the petition, filed September 25, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Todd A. Lorenz appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Lorenz desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Lorenz, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the final Office action mailed July 26, 2006. A Notice of Abandonment was mailed on June 26, 2007. In response, on September 25, 2007, the present petition was filed.

Petitioner asserts that a timely response to the Office action of July 26, 2006 was submitted in the form of a Request for Continued Examination (RCE), with an appropriate 3-month petition for extension of time, on January 26, 2007. Accordingly, petitioner request that the abandonment be withdrawn.

A review of the written record confirms that a timely RCE under 37 CFR 1.114 was filed on January 26, 2007. Consequently, no abandonment existed. The holding of abandonment is hereby withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed June 26, 2007, is **vacated**

It is noted that a $400 petition fee accompanied the response filed January 26, 2007. As this petition fee appears to be unnecessary, the $400 petition fee is being credited to counsel's deposit account as authorized.

The application is being referred to Technology Center AU 1632 for further processing of the request for continued examination under 37 CFR 1.114 filed January 26, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: TODD A. LORENZ
DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, 3RD FLLOR
SAN FRANCISCO, CA 94104-1513

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

MAIL

Paper No. 20

OCT 23 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

MOORE & VAN ALLEN, PLLC
2200 W MAIN STREET
SUITE 800
DURHAM NC 27705

In re Application of:
Wu et al.
Application No. 09/237,356

Filed: January 26, 1999
For: REDUCED COMPLEXITY MLSE EQUALIZER FOR M-ary MODULATED SIGNALS

:DECISION ON PETITION TO
:WITHDRAW HOLDING OF
:ABANDONMENT

This is a decision on the copy of the CPA paperwork filed July 29, 2003, which is being treated as a petition to withdraw the holding of Abandonment of the above identified application.

In the above identified application, a Final Rejection setting forth a shortened statutory period of reply was mailed to the applicant on September 09, 2002. An After-Final response was filed by the applicant on October 30, 2002. An Advisory Action was mailed to the applicant on November 08, 2002, informing the applicant that the response was not persuasive. The application became abandoned when no further response to the final rejection was received. No Notice of Abandonment was mailed.

Petitioner asserts that a proper response in the form of a Continued Prosecution Application (CPA), including a preliminary amendment and filing fees was timely filed on November 20, 2002. In support, Petitioner has provided a copy of a date-stamped post card receipt acknowledging receipt of the request for Continued Prosecution Application (CPA) in the U.S. Patent and Trademark Office on November 20, 2002. A review of the U.S. Patent and Trademark Office Revenue, Accounting and Management (RAM) records reveal that the CPA filing fee of $740.00 was applied to the instant application on November 20, 2002

The original response is not of record in the file and cannot be located. However, M.P.E.P. 503 states, *" [a] post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO."* Accordingly, it is concluded that the CPA request was received in the Office but was not matched with the application file.

Accordingly, the holding of abandonment is withdrawn.

For the reasons above, the petition is **GRANTED**.

The application file will be forwarded to Technology Center technical support staff for entry of the response, provided with this petition. From there, the application file will be forwarded to the examiner for further action in due course.

Jin F. Ng, Director
Technology Center 2600
Communications
(703) 305-4800

OIPE JC4
JAN 1 5 2004
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

2329/000E987

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ATTY: CMB YOUR COPY
ORIGINAL W/DOCKETING

Paper No. 27

DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

COPY MAILED
DEC 1 5 2003
OFFICE OF PETITIONS
ON PETITION

DUE: JANUARY 15, 2004
Docketed on 12/22 by AB
Docketed without file ☐
Attorney CMB

In re Application of
Khan
Application No. 09/237,154
Filed: January 26, 1999
Attorney Docket No. 2329/OE987

This is a decision on the petition under 37 CFR 1.137(a), filed November 26, 2003, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.137(a) is **dismissed as moot.**

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **granted.**

The above-identified application became abandoned for failure to submit formal drawings, the issue fee, and the publication fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed June 17, 2003. Accordingly, the above-identified application became abandoned on September 18, 2003.

Petitioner contends and has proven the original Notices of Allowance and Allowability were never received. Petitioner has submitted the issue fee, publication fee, and formal drawings.

The holding of abandonment is withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the Office will schedule a refund of the petition fee.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached Issue Fee Transmittal Form should be completed and returned to Publishing Division within **ONE MONTH** from the mail date of this decision.

The file is being forwarded to the examiner in Technology Center 2100 to consider the amendment filed under 37 CFR 1.312.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Issue Fee Transmittal Form

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

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

COPY MAILED

APR 19 2006

OFFICE OF PETITIONS

In re Application of
John S. Hendricks, et al.
Application No. 09/237,828
Filed: January 27, 1999
Attorney Docket No. 02688.00008

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed November 15, 2005, to revive the above-identified application.

The petition is GRANTED.

The Office acknowledges receipt of the Notice of Appeal filed November 15, 2005.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the $1,020 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

The 2-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center AU 2176.

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
www.uspto.gov

HENRY T BRENDZEL
P O BOX 574
SPRINGFIELD, NJ 07081

COPY MAILED

FEB 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Mark Beutnagel	:	
Application No. 09/238,224	:	ON PETITION
Filed: January 27, 1999	:	
Attorney Docket No. BEUTNAGLE-3	:	

This is a decision on the petition, filed November 22, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed January 2, 2004. Receipt is acknowledged of the response filed November 22, 2004 with the present petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 2655 for consideration of the amendment filed November 22, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No.

FITZPATRICK CELLA HARPER
& SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

COPY MAILED

MAY 30 2006

OFFICE OF PETITIONS

In Patent No. 6,932,955	:	DECISION ON REQUEST
Yamamoto et al.	:	FOR RECONSIDERATION OF
Issue Date: August 23, 2005	:	PATENT TERM ADJUSTMENT
Application No. 09/238,551	:	and
Filed: January 28, 1999	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. 35.C13292	:	CERTIFICATE OF CORRECTION
	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d), filed October 19, 2005. Patentees request correction of the patent term adjustment indicated on the patent from two hundred sixty-nine (269) days to two hundred ninety-nine (299) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two hundred ninety-nine **(299)** days.

On August 23, 2005, the application matured into U.S. Patent No. 6,932,955, with a revised patent term adjustment of 269 days. On October 19, 2005, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 299 days. Patentees disclose that a period of reduction of 90 days should have been entered in connection with their filing of a Request for Suspension of Action under

§ 1.103(b). However, patentees dispute the entry of a period of reduction of 120 days for the filing of a letter on March 30, 2004. Patentees argue the reduction is not warranted as the letter was a request to correct an error in the Notice of Allowability, as provided for in MPEP 2732.

Patentees' arguments are persuasive. 37 CFR § 1.704(c) provides that:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> > (1) Suspension of action under § 1.103 at the applicant 's request, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date a request for suspension of action under § 1.103 was filed and ending on the date of the termination of the suspension;

The prosecution of this application was delayed due to suspension of action under § 1.103 at applicant's request. As stated by patentees, on April 14, 2003, they filed a request for suspension of action for three months. By letter mailed April 17, 2003, the suspension was approved for a period of three months as requested by applicants. In view thereof, it is agreed that a period of reduction of 90 days is proper pursuant to § 1.704(c)(1).

Likewise, patentees are correct that the entry of a period of reduction of 120 days was not warranted. A review of the record confirms that the paper filed March 30, 2004 was a request to correct an error or omission in the "Notice of Allowability," which is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application within the meaning of § 1.704(c)(10). See MPEP 2732.

In view thereof, the patent should have issued with a revised patent term adjustment of 299 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by TWO HUNDRED NINETY-NINE (299) days

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

DRAFT

PATENT : 6,932,955 B2

DATED : August 23, 2005

INVENTOR(S) : Yamamoto et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (269) days

Delete the phrase "by 269 days" and insert – by 299 days--

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

Paper No. 14

VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

COPY MAILED

MAY 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Prokop et al. :
Application No. 09/238,735 :
Filed: January 28, 1999 :
Attorney Docket No. 31805-138595 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 18, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed May 24, 2000. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on August 25, 2000. A Notice of Abandonment was mailed on January 2, 2001.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the 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 37 CFR 1.137(b) was unintentional.[1]

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is now being forwarded to Technology Center 3600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

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 Patent No. 6287664
Issue Date: September 11,2001
Application No. 09238873
Filed: January 27,1999
Attorney Docket No. PRATW

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 16,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 16,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6287664	2001-09-11	09238873	1999-01-27	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/William F. Pratt/	Date (YYYY-MM-DD)	2010-02-16
Name	William F. Pratt		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

TESTA, HURWITZ & THIBEAULT,LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON MA 02110

COPY MAILED

NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of	:	
James D. Logan et al	:	
Application No. 09/238,948	:	DECISION GRANTING PETITION
Filed: January 27, 1999	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. JDL-003	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 5, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of February 11, 2004 is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Copied from 10913354 on 12/02/2004

The application file is being forwarded to Technology Center Art Unit 2611.

Karen Ceasy

Karen Ceasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH, MA 02673-2516

Copied from 10913354 on 12/02/2004

The opinion in support of the decision being entered today not written for publication and is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte CAROL L. MacLEOD

Appeal No. 2001-1651
Application No. 09/238,972

MAILED
SEP 04 2003
U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before ADAMS, MILLS and GRIMES, Administrative Patent Judges.

ADAMS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-9, 16 and 17. As a result of a Restriction Requirement, the only remaining claims, claim 10-15 and 18-20, have been withdrawn from consideration, as drawn to a non-elected invention.

Claim 1, 3 and 16 are illustrative of the subject matter on appeal and are reproduced below:

1. A method of inhibiting cationic amino acid transport comprising the step of administering to a human or a non-human mammal an effective dose of an antisense oligonucleotide directed against CAT2 mRNA.

3. A pharmaceutical composition comprising an antisense oligonucleotide directed against CAT2 mRNA and a physiologically acceptable carrier.

16. An antisense oligonucleotide directed against CAT2 mRNA.

The references relied upon by the examiner are:

MacLeod	5,312,733	May 17, 1994
Hoke et al. (Hoke)	5,585,479	Dec. 17, 1996

Gewirtz et al. (Gewirtz), "Facilitating oligonucleotide delivery: Helping antisense deliver on its promise," Proc. Natl. Acad. Sci. USA, Vol. 93, pp. 3161-63 (1996)

Rojanasakul, "Antisense oligonucleotide therapeutics: drug delivery and targeting," Advanced Drug Delivery Reviews, Vol. 18, pp. 115-31 (1996)

Branch, "A good antisense molecule is hard to find," TIBS, Vol. 23, pp. 45-50 (1998)

GROUNDS OF REJECTION

Claims 3 and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as the specification that fails to adequately describe the claimed invention.

Claims 1-9 and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as being based on an insufficient disclosure to support or enable the scope of the claimed invention.

Claims 3, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by MacLeod.

We affirm the rejection under 35 U.S.C. § 102(b) and reverse the rejections under 35 U.S.C. § 112, first paragraph.

DISCUSSION

THE REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:

Written Description:

"In order to satisfy the written description requirement, the disclosure as originally filed does not have to provide in haec verba support for the claimed

subject matter at issue." Purdue Pharma L.P. v. Faulding, Inc., 230 F.3d 1320, 1323, 56 USPQ2d 1481, 1483 (Fed. Cir. 2000). Nonetheless, the disclosure must convey with reasonable clarity to those skilled in the art that the inventor was in possession of the invention. See id. "Put another way, one skilled in the art, reading the original disclosure, must immediately discern the limitation at issue in the claims." Id.

According to the examiner, (Answer, page 4), claims 3 and 16 are "drawn to any antisense oligo which inhibits CAT2 translation and pharmaceutical compositions comprising said antisense oligo." Based on this interpretation of the claims, the examiner finds (id.) that while the specification describes the inhibitory activity of an antisense oligo consisting of SEQ ID NO: 2, the specification fails to describe any other antisense oligo, or pharmaceutical composition comprising such an antisense oligo, that exhibited inhibitory activity. However, in response, appellant points out that the entire sequence of the CAT2 open reading frame was set forth in "MacLeod et al. Mol. Cell. Biol., 10:3663-3674 (1990) and is also available from GenBank as accession no. M32485," and that with knowledge of the open reading frame "one skilled in the art could easily design other effective antisense oligonucleotides." Brief, page 12.

As set forth in Moba B.V. v. Diamond Automation Inc., 325 F.3d, 1306, 1320-21, 66 USPQ2d 1429, 1439 (Fed. Cir. 2003):

> The test for compliance with § 112 has always required sufficient information in the original disclosure to show that the inventor possessed the invention at the time of the original filing. See ... [Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1561, 19 USPQ2d 1111, 1115 (Fed. Cir. 1991)] ("Adequate description of the

> invention guards against the inventor's overreaching by insisting that he recount his invention in such detail that his future claims can be determined to be encompassed within his original creation"). The possession test requires assessment from the viewpoint of one of skill in the art. Id. at 1563-64 ("the applicant must ... convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention") (emphasis in original); Union Oil Co. of Cal. v. Atlantic Richfield Co., 208 F.3d 989, 997, 54 USPQ2d 1227, 1232 (Fed. Cir. 2000) ("The written description requirement does not require the applicant 'to describe exactly the subject matter claimed, [instead] the description must clearly allow persons of ordinary skill in the art to recognize that [he or she] invented what is claimed'") (citation omitted). In Enzo [Biochem, Inc. v. Gen-Probe, Inc., 296 F.3d 1316, 63 USPQ2d 1609 (Fed. Cir. 2002)] and Amgen[Inc. v. Hoechst Marion Roussel Inc., 314 F.3d 1313, 1330, 65 USPQ2d 1385, 1397 (Fed. Cir. 2003)], the record showed that the specification that taught one of skill in the art to make and use an invention also convinced that artisan that the inventor possessed the invention. Similarly in this case, the Lilly [Regents of the University of California v. Eli Lilly & Co., 119 F.3d 1559, 43 USPQ2d 1398 (Fed. Cir. 1997)] disclosure rule does not require a particular form of disclosure because one of skill could determine from the specification that the inventor possessed the invention at the time of filing.

On this record, the examiner bases his rejection on an incorrect interpretation of the claimed invention. Contrary to the examiner's assertion (Answer, page 4), claims 3 and 16 do not require the inhibition of CAT2 translation. Instead, claim 16 is drawn to an antisense oligonucleotide directed against CAT2 mRNA, and claim 3 is drawn to a composition comprising an antisense oligonucleotide directed against CAT2 mRNA in a physiologically acceptable carrier. We note that while a number of appellant's claims are directed at methods of using an antisense CAT2 oligonucleotide, none of these claims are included in this rejection.

In addition, the examiner failed to consider the level of skill in the art as it relates to the claimed invention. To the contrary, by incorrectly interpreting the claimed invention to require the claimed antisense oligonucleotide, or a pharmaceutical composition thereof, to have the ability to inhibit CAT2 mRNA translation the examiner created an artificial claim. The examiner then attacks this artificial claim finding no written descriptive support in the disclosure for an "antisense oligo that is capable of inhibiting CAT2 RNA thereby disrupting translation of cationic amino acid transport protein ... [or for] pharmaceutical compositions comprising the antisense oligo since no evidence is provided demonstrating the ameliorative effects of treatment with said antisense oligo." See Answer, page 5. These arguments, however, do not address the invention of claims 3 and 16.

Accordingly, it is our opinion that the examiner failed to provide the evidence necessary to establish that one of skill in the art could not determine from the specification that the inventor possessed the invention of claims 3 and 16 at the time of filing. Accordingly, we reverse the rejection of claims 3 and 16 under 35 U.S.C. § 112, first paragraph.

Enablement:

The initial burden of providing reasons why a supporting disclosure does not enable the claims rests with the examiner. In re Marzocchi, 439 F.2d 220, 223, 169 USPQ 367, 369 (CCPA 1971). It is the examiner's burden to establish that appellant's specification does not provide a sufficient disclosure, either through illustrative examples or terminology, for one skilled in the art to practice

the invention as broadly as claimed without having to resort to undue experimentation. See In re Vaeck, 947 F.2d 488, 496, 20 USPQ2d 1438, 1445 (Fed. Cir. 1991). In considering this issue, we note that appellant is not required to disclose every parameter encompassed by the claims. See In re Angstadt, 537 F.2d 498, 503, 190 USPQ 214, 218 (CCPA 1976). Furthermore, while some experimentation may be necessary, that does not preclude enablement; what is required is that the amount of experimentation "must not be unduly extensive." Atlas Powder Co. v. E.I. DuPont de Nemours & Co., 750 F.2d 1569, 1576, 224 USOQ 409, 413 (Fed. Cir. 1984).

On this record, the examiner finds (Answer, page 5),

> the specification is only enabling for claims limited to an antisense oligo consisting of SEQ ID NO:2 and a method of inhibiting CAT2 expression using said antisense oligo. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with ... [claims 1-9 and 16].

According to the examiner (Answer, page 6), "[a]lthough the specification provides guidance on a singular antisense oligo (SEQ ID NO: 2), it is well known by those skilled in the art that identification of target sites in a given mRNA at which antisense oligos bind to cause inhibition of translation is an unpredictable art."

With reference to Hoke, the examiner finds (Answer, page 7) that screening

> different sites on a given mRNA to find oligo binding sites for inhibition of translation, may fail to identify such sites in the 5' untranslated region, the coding region, or in the 3' untranslated region of the mRNA and that an oligo binding site that is located

> only a few bases to either side of an unsuccessful target site may give very effective inhibition of translation.

However, as appellant points out (Brief, page 15), Hoke report a 55% success rate in obtaining effective anti-sense oligonucleotides. According to appellant there is no reason why a similar success rate would not be expected for the instant invention. In response, the examiner backs away from his reliance on Hoke and agrees with appellant that Hoke reports a 55% success rate. Answer, page 10. Nevertheless, the examiner maintains that the instant invention would not be successful due to the unpredictability of antisense oligonucleotide therapy and target accessibility as taught by Gewirtz and Branch. Answer, bridging sentence, pages 10-11.

According to the examiner (Answer, page 7), Gewirtz "teach that the inhibitory activity of an oligo depends unpredictably on both the sequence and structure of the nucleic acid target site and the ability of the oligo to reach its target." Similarly, the examiner relies on Branch to teach that "'internal structures of target RNAs and their associations with cellular proteins create physical barriers, which render most potential binding sites inaccessible to antisense molecules.'" While the examiner argues that Gewirtz and Branch address the unpredictability of antisense technology, the examiner fails to establish a nexus between these generic references and the claims on appeal.

In addition, we find the examiner's position to be inconsistent. According to the examiner the specification provides an enabling disclosure of a method of inhibiting CAT2 expression using an antisense oligo consisting of SEQ ID NO:2.

Answer, page 5. We note that the examiner does not limit the scope of this method to exclude antisense oligonucleotide therapy. The only reasonable conclusion that can be drawn from the examiner's argument is that despite the teachings of Hoke, Gewirtz, and Branch an antisense oligo consisting of SEQ ID NO:2 can be used in an antisense oligonucleotide therapy method for inhibiting CAT2 expression. Thus, the generic teachings of Hoke, Gewirtz and Branch are not applicable to appellant's claimed methods.

According to appellant's specification (page 27), "[t]he present invention describes how novel antisense oligonucleotides can be employed to prevent cationic amino acid transport, which in turn blocks production of nitric oxide in cells such as activated macrophages or cancer cells." Appellant's specification discloses (page 28), "the present invention makes available novel antisense oligonucleotides for use in gene therapy where it may be desirable to inhibit production of nitric oxide." In the paragraph bridging pages 28-29, appellant's specification discloses that

> this method will treat diseases selected from the group consisting of sepsis, cachexia, neoplastic diseases such as Kaposi's sarcoma, cerebral malaria, capillary leak syndrome and autoimmune disease. Representative autoimmune diseases include systemic lupus erythematosus, rheumatoid arthritis and multiple sclerosis. Representative neoplastic diseases include breast and lung cancer.

The examiner recognizes (Answer, page 6), appellant's "specification teaches that CAT2 is involved in arginine transport which was shown to be essential in nitric oxide synthesis. In addition, iNOS expression was shown to be correlative with mammary tumorigenesis since mice with a functional iNOS gene

developed mammary tumors more rapidly than iNOS knockout mice." The examiner also finds (Answer, page 5), appellant's specification enables a method of inhibiting CAT2 expression using an antisense oligo consisting of SEQ ID NO:2. Therefore, it is unclear on this record, why the examiner finds (Answer, page 6) that appellant's "specification does not provide any guidance regarding the administration of any type [of] antisense oligo targeted to CAT2 that would result in an ameliorative effect of any particular pathological state nor does the specification provide sufficient guidance that would enable a skilled artisan to treat a pathological condition by inhibiting CAT2." As emphasized above, it seems clear from appellant's specification that inhibiting CAT2 expression, using an antisense oligo, will inhibit production of nitric oxide. Accordingly, it appears from this record that such a method would be applicable to the diseases set forth in appellant's specification. The examiner offers no evidence to the contrary.

Furthermore, since appellant's specification provides an enabling disclosure of an antisense oligo consisting of SEQ ID NO: 2 and a method of inhibiting CAT2 expression using this oligo, why would it require undue experimentation to identify other antisense CAT2 oligonucleotides with a success rate similar to that of Hoke? The examiner conceded the success rate observed by Hoke, and that appellant's oligonucleotide having SEQ ID NO.: 2 is effective in a method of inhibiting CAT2 expression. In view of these findings, the examiner failed to provide any explanation as to how the generic teachings of Gewirtz, and Branch apply to appellant's claimed invention. Stated differently,

the examiner failed to provide the evidence necessary to establish that appellant's specification does not support appellant's claimed invention.

To emphasize the inconsistent approach taken by the examiner, we note that claim 17 is drawn to an antisense CAT2 oligonucleotide having the sequence set forth in SEQ. ID. NO.: 2; and claim 2 is drawn to a method of using an antisense CAT2 oligonucleotide having the sequence set forth in SEQ. ID. NO.: 2. Notwithstanding the examiner's finding that the specification enables a method of inhibiting CAT2 expression using an antisense oligonucleotide consisting of SEQ ID NO.: 2, the examiner excludes claim 17 from the rejection, but includes claim 2 in the rejection.

In addition, we recognize the examiner's reliance on Rojanasakul (Answer page 7), which according to the examiner "gives evidence that the use of antisense oligonucleotides in vivo caused renal failure due to toxicity of the antisense oligonucleotide which could be due to nonspecific effects of the oligo itself...." The examiner, however, appears to confuse the requirements under the law for obtaining a patent with the requirements for obtaining government approval to market a particular drug for human consumption. See Scott v. Finney, 34 F.3d 1058, 1063, 32 USPQ2d 1115, 1120 (Fed. Cir. 1994) ("Testing for the full safety and effectiveness of a prosthetic device is more properly left to the Food and Drug Administration (FDA). Title 35 does not demand that such human testing occur within the confines of Patent and Trademark Office (PTO) proceedings").

Furthermore, to the extent that Rojanasakul may be relevant to the issue of patentability, we note that Rojanasakul (page 118, carry over paragraph, columns 1 and 2), report that thrombocytopenia and renal failure were induced by an antisense oligonucleotide targeted against the rel A transcription factor. While, Rojanasakul suggest (id.) that oligonucleotides can have non-specific actions and may cause toxic side effects in vivo, the examiner supplies no evidence to demonstrate that a person of ordinary skill in the art would reasonably expect the claimed antisense oligonucleotides to exhibit similar non-specific actions. In our opinion, the examiner failed to provide the evidence necessary to establish that appellant's specification does not support appellant's claimed invention.

As set forth in In re Armbruster, 512 F.2d 676, 677-78, 185 USPQ 152, 153 (CCPA 1975), quoting In re Marzocchi, 439 F.2d 220, 224, 169 USPQ 367, 369-70 (CCPA 1971):

> [I]t is incumbent upon the Patent Office, whenever a rejection on this basis [lack of enablement] is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement.

For the foregoing reasons, it is our opinion that the examiner failed to provide the evidence necessary to support his position that appellant's disclosure does not support the full scope of the claimed invention. Accordingly, we reverse the rejection of claims 1-9 and 16 under 35 U.S.C. § 112, first paragraph, as being based on an insufficient disclosure to support or enable the scope of the claimed invention.

THE REJECTION UNDER 35 U.S.C. § 102:

As we understand appellant's claim grouping, claim 3 stands or falls alone, and claim 17 stands or falls together with claim 16. Brief, pages 6-7. Appellant, however, fails to separately argue the claims as required by 37 CFR § 1.192(c)(7) (1999). Accordingly, claims 3, 16 and 17 will stand or fall together. Since all claims stand or fall together, we limit our discussion to representative independent claim 16. 37 CFR § 1.192(c)(7) (1999).

According to the examiner (Answer, page 4), "MacLeod discloses the CAT2 cDNA double stranded sequence identified as SEQ ID NO: 5, ... and also discloses that antisense sequences can be used to inhibit CAT2 translation...." In response, appellant points out that the application involved in this appeal is a continuation-in-part of 08/187,634, which is a continuation-in-part of MacLeod. According to appellant, by reciting the continuity data on the first line of the specification in the instant application, the instant application properly incorporates by reference the earlier application. However, as set forth in In re De Seversky, 474 F.2d 671, 674, 164 USPQ 144, 146-47 (CCPA 1973):

> the statement that an application is a continuation-in-part, or a continuation, or a division, or in part a continuation of another application is in a broad sense a "reference" to the earlier application, but a mere reference to another application, or patent, or publication is not an incorporation of anything therein into the application containing such reference for the purposes of the disclosure required by 35 U.S.C. [§] 112. Likewise it does not serve to bring a disclosure within the requirements of 35 U.S.C. [§] 120 so as to give a later application the benefit of the filing date of an earlier application. The later application must itself contain the necessary disclosure. As we said in ... [In re Lund, 376 F.2d 982, 989, 153 USPQ 625, 631 (CCPA 1967)],

> As the expression itself implies, the purpose of "incorporation by reference" is to make one document become a part of another document by referring to the former in the latter in such a manner that it is apparent that the cited document is part of the referencing document as if it were fully set out therein. ...
>
> We held in Lund that the mere statement that an application is a "continuation-in-part" does not do that.

Accordingly, we are not persuaded by appellant's argument that simply reciting the continuing data on the first page of the specification incorporates the disclosure of the prior applications by reference.

We agree with appellant's argument (Brief, page 10), that a later filed application is entitled to the benefit of the filing date of an earlier filed application with regard to the subject matter that is common to both applications. However, as the examiner points out (Answer, page 9), "there was no common subject matter, particularly antisense oligos in application 08/187,634 [now U.S. Patent 5,866,123 ('123)], as noted by appellant[1], thereby barring applicants from priority benefit to ... [MacLeod] which was not copending with the current application."

Similar to the facts in this case, our appellate reviewing court explained in In re Chu, 66 F.3d 292, 297, 36 USPQ2d 1089, 1093 (Fed. Cir. 1995):

> It is elementary patent law that a patent application is entitled to the benefit of the filing date of an earlier filed application only if the disclosure of the earlier application provides support for the claims of the later application, as required by 35 U.S.C. Section 112. 35 U.S.C. Section 120. Mendenhall v. Cedarapids Inc., 5 F.3d 1557, 1566, 28 USPQ2d 1081, 1088-89 (Fed. Cir. 1993) ("A patentee cannot obtain the benefit of the filing date of an earlier application where the claims in issue could not have been made in the earlier application."), cert. denied, 114 S. Ct. 1540 (1994); see also Litton

[1] According to appellant (Brief, page 10), "U.S. Patent Application Ser. No. 08/187,634 does not discuss antisense oligonucleotides directed against CAT2 mRNA...."

> Sys., Inc. v. Whirlpool Corp., 728 F.2d 1423, 1438, 221 USPQ 97, 106 (Fed. Cir. 1984) (discussing filing dates of CIP applications). Thus, Chu is entitled to the benefit of the Doyle patent filing date only if the Doyle patent discloses the subject matter now claimed by Chu. This, however, is admitted by Chu not to be the case. In fact, Chu states that "the invention as now claimed[ ] was not described in the [Doyle] patent." ... Accordingly, Chu cannot obtain the benefit of the Doyle patent filing date for these claims and the Doyle patent was properly relied on as prior art.

Accordingly, in order for the instant application to be entitled under 35 U.S.C. § 120 to the filing date of an earlier application in the chain of applications it is part of, it must be shown that as to the inventions claimed there has been "continuing disclosure through the chain of applications, without hiatus." In re Schneider, 481 F.2d 1350, 1356, 179 USPQ 46, 50 (CCPA 1973). Accord In re Hogan, 559 F.2d 595, 609, 194 USPQ 527, 540 (CCPA 1977); In re Goodman, 476 F.2d 1365, 1368, 177 USPQ 574, 576 (CCPA 1973). Appellant admits on this record that the '123 patent "does not discuss antisense oligonucleotides directed against CAT2 mRNA...." Brief, page 10. Accordingly, there was no continuing disclosure through the chain of applications.

Appellant also argues (id.), "[g]iven the disclosure of the sequence [in the '123 patent], the design and selection of an antisense oligonucleotide against CAT2 mRNA was completely within range of one with ordinary skill in the art." However, as our appellate reviewing court held in Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997):

> While the meaning of terms, phrases, or diagrams in a disclosure is to be explained or interpreted from the vantage point of one skilled in the art, all the limitations must appear in the specification. The question is not whether a claimed invention is an obvious variant of that which is disclosed in the specification. Rather, a prior

> application itself must describe an invention, and do so in sufficient detail that one skilled in the art can clearly conclude that the inventor invented the claimed invention as of the filing date sought.

Accordingly, we do not agree with appellant's statement (Brief, page 10), "the specification of ... ['123] inherently provides the basis for support for antisense oligonucleotides directed against CAT2 mRNA since the specification discloses the gene sequence of CAT2."

For the foregoing reasons, we affirm the rejection of claim 16 under 35 U.S.C. § 102(b) as being anticipated by MacLeod. As set for above, claims 3 and 17 fall together with claim 16.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

Donald E. Adams Administrative Patent Judge	)
Demetra J. Mills Administrative Patent Judge	) BOARD OF PATENT) APPEALS AND
Eric Grimes Administrative Patent Judge	) INTERFERENCES

Benjamin Aaron Adler
McGregor & Adler
8011 Candle Lane
Houston, TX 77071

DEA/jlb

COCX

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sep. 2, 2005

TO SPE OF : ART UNIT 2145 (*Exr. is Jason Cardone*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,912,580

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location 7580, Certificates of Correction Branch – South Tower – 9A22
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please see the IFW code cocin, theIFW application reveals no documentation listing a re-numbering of the claims, but the printed patent has for ex. printed claim 47, which is original claim 55. SP STAY

Thank You For Your Assistance

Physical case was filled out with renumbering of claims (Not Scanned in ??) JMC 9/18/05

Certificates of Correction Branch
Tel. No. 703-308-9390 x120

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Formal changes only. Changes do not add new matter or change scope of the claims. JDC 9/18/05
JASON CARDONE
PRIMARY EX AU: 2145

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

SPE

2145
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

MAIL

Paper No. 24

OCT 2 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

SCHULTE ROTH & ZABEL, LLP
919 Third Avenue
New York, NY 10022

In re Application of
John S. Yates, Jr., et al.
Application No. 09/239,194
Filed: January 28, 1999
For: EXECUTING PROGRAMS FOR A FIRST COMPUTER ARCHITECTURE ON A COMPUTER OF A SECOND ARCHITECTURE

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Reprsentation filed August 29, 2003.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communication from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the U.S. Patent and Trademark Office (the Office) of any change in correspondence address to ensure receipt of all communications from the Office.

For

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
(703) 305-9750

cc: David E. Boundy
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

COPY MAILED

JAN 1 8 2005

Director's Office
Office of Patent Publication

MAXYGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
515 GALVESTON DRIVE
RED WOOD CITY CA 94063

In re Application of	:	
RABSON, MICHAEL, et al.	:	
Application No. 09/239,395	:	**DECISION ON PETITION**
Filed: January 28, 1999	:	
Attorney Docket No. 02-014630US	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on June 11, 2002. The undersigned became aware of the petition on January 18, 205, upon receipt of a message from the Office of Petitions.

The petition is **GRANTED.**

The application was held abandoned for failure to timely pay the issue fee as required in the Notice of Allowance and Fee(s) Due, mailed October 26, 2001, which set a three (3) month statutory period for reply.

Applicants petition for withdrawal of the Notice of Abandonment on the ground that Applicants filed the issue fee on December 3, 2001. In support of this assertion, the petitioner has submitted a copy of the Transmittal Sheet, Issue Fee Transmittal (Transmittal), Fee Address Indication Form, letter to the draftsperson, 37 sheets of formal drawings, and a copy of a return postcard, which acknowledges receipt of the afore-mentioned items on December 3, 2001 by the USPTO, as evidenced by the "Office Date" stamp thereon. MPEP 503 states the following:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

In view of the above, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn.

As authorized, the issue fee in the amount of $1,280 and $30 for ten (10) advance order copies were charged to Deposit Account No. 50-0893.

The application will be forwarded to the Publishing Division to be processed into a patent.

If the drawings (37 sheets) submitted herewith are found to be unacceptable for printing, the applicant will be notified.

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publication

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to: Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

COPY

COPY OF PAPERS ORIGINALLY FILED

JUN 11 2002

RECEIVED

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

022798
LAW OFFICES OF JONATHAN ALAN QUINE
P O BOX 458
ALAMEDA CA 94501

RECEIVED
OCT 3 1 2001
LAW OFFICES OF
JONATHAN ALAN QUINE

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of ~~Mailing~~ Delivery / hand delive

I hereby certify that this Issue Fee Transmittal is being ~~deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed~~ to the Box Issue Fee address above on the date indicated below.

Vinh Vu (Depositor's name)
(Signature)
12/03/01 (Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT		DATE MAILED
09/239,395	01/28/99	021	WHISENANT, E	1655	10/26/01

First Named Applicant STEMMER, 35 USC 154(b) term ext. = 0 Days.

TITLE OF INVENTION METHODS FOR GENERATING POLYNUCLEOTIDES HAVING DESIRED CHARACTERISTICS BY ITERATIVE SELECTION AND RECOMBINATION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 02-014630US	435-091.100	004	UTILITY	NO	$1280.00	01/28/02

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Norman J. Kruse
2 Jonathan Alan Quine
3 The Law Offices of Jonathan Alan Quine

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE Maxygen, Inc.

(B) RESIDENCE: (CITY & STATE OR COUNTRY) Redwood City, California

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☐ Issue Fee
☐ Advance Order - # of Copies _____

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 50-0893
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee
☒ Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) Jonath Alan Quine (Date) 11-30-01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

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.

RECEIVED
JUN 1 8 2002
OFFICE OF PETITIONS

RECEIVED
AUG 2 8 2002
TECH CENTER 1600/2900

TRANSMIT THIS FORM WITH FEE

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

MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

COPY MAILED

JUN 0 9 2008

In re Patent No. 5,996,592	:	
Issue Date: December 07, 1999	:	
Application No. 09/239,464	:	DECISION ON PETITION
Filed: January 28, 1999	:	
Attorney Docket No. M-7157US	:	

This is a decision on the petition under 37 CFR 1.378(c), filed April 17, 2008, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 07, 2007 for failure to pay the seven and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231.

The patent file is being forwarded to Files Repository.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

2-20-2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. ~~10~~ 12

In re Patent No. COHEN ET AL.
Issue Date: November 14, 2000
Appl No.: 09/239,467
Filed: January 28, 1999
For: PATELLA REPLACEMENT APPARATUS

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition under 37 CFR 1.48, filed December 4, 2000. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Corrine M. McDermott
Supervisory Patent Examiner,
Art Unit 3738,
Patent Examining Group 3700

Buchanan Ingersoll, P.C.
650 College Road East, 4th Floor
Princeton, New Jersey 08540

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

Paper 16

DUANE MORRIS LLP
PO BOX 5203
PRINCETON NJ 08543-5203

COPY MAILED

JAN 3 1 2007

OFFICE OF PETITIONS

In re Patent No. 6,146,423 :
Issued: November 14, 2000 :
Application No. 09/239,467 : ON PETITION
Filed: January 28, 1999 :
Attorney Docket No: **IMPLEX-9** :

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed September 11, 2006. The request is being treated as a petition 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.33d 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 and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

NOTICE RE: CERTIFICATES OF CORRECTION 13

5-17-01

Paper No.: ___

: Supervisor, Art Unit 3700

SUBJECT : Certificate of Correction Request in Patent No.: 6146423

A response to the following question(s) is requested with respect to the accompanying request for a certificate of correction.

EXPEDITE

☐ 1. Would the change(s) requested, under 37 C.F.R. 1.323, correcting Applicant/Attorney's (A or Atty.) errors, constitute new matter or require reexamination of the application?

☐ 2. Would the change(s) requested, under 37 C.F.R. 1.323, correcting Applicant/Attorney's (A or Atty.) errors, materially affect the scope or meaning of the claims allowed by the examiner in the patent?

☐ 3. Applicant disagrees with change(s) initialed and dated by Examiner in lieu of an Examiner's Amendment. Should the change request be granted?

☒ 4. With respect to the change(s) requested, ~~correcting Office~~ Inventorship and/or printing (O, Off, C, and/or P) errors, should the patent read as shown in the certificate of correction?

☐ 5. If the amendment filed _____ had been considered by the Examiner, would the amendment have been entered?

PLEASE RESPOND WITHIN 7 DAYS AND RETURN THE FILE TO

EXPEDITE

PALM LOCATION. 7580,
CERTIFICATES OF CORRECTION BR, PARK 3 -922,
Thank you

Magdalene Talley
Supervisory Legal Instrument Examiner
Tel. No. 305-8228

PLEASE CHECK THE BOX(ES) BELOW CORRESPONDING TO THE BOXES CHECKED FOR QUESTION(S)

ABOVE AND RETURN FILE TO: PALM LOCATION 7580, CERT. OF CORREC. BR. , PK 3 - 922 | DATE:

The decision regarding the change(s) requested in the certificate of correction is shown below.

☐ 1.YES	☐ NO	☐ Comments below
☐ 2.YES	☐ NO	☐ Comments below
☐ 3.YES	☐ NO	☐ Comments below
☒ 4.YES	☐ NO	☐ Comments below
☐ 5.YES	☐ NO	☐ Comments below

Send to Ex

☐ Comments

APPROVED

MAR 6 2002

Bernadette Al Queen
FOR THE COMMISSIONER OF PAT & TM

[signature] 3738

Supervisor Art Unit

PTOL-306 (REV. 10/87) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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

B. NOEL KIVLIN
MEYERTONS, HOOD, KIVLIN,
KOWERT & GOETZEL, P.C.
P. O. BOX 398
AUSTIN, TX 78767-0398

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Patent No. 7,190,284 :
Issue Date: March 13, 2007 :
Application No. 09/239,659 :
Filed: January 29, 1999 :
Attorney Docket No. 6057-28908 :

NOTICE

This is a notice regarding your request, filed March 14, 2007, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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 file is no longer entitled to small entity status. Accordingly, all future fees paid in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. *See* 37 CFR 1.27(c)(2).

It is noted that a power of attorney was received on April 19, 2007. However, the power of attorney is unacceptable since it fails to satisfy the provisions of 37 CFR 3.73(b). In this regard, the power of attorney by assignee fails to set forth the chain of title from the inventor to the present assignee. Further, the power of attorney by assignee fails to state the reel and frame number of the recorded assignment.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7-26-04

Paper No.: \

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 6,315,616

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Monica
Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

P. Bradley
SPE

2833
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

ROBERT J DEPKE
MAYER BROWN & PLATT
P.O. BOX 2828
CHICAGO, IL 60690

COPY MAILED

AUG 3 1 2001

OFFICE OF PETITIONS

In re Application of
William Daniel Toohey
Application No. 09/239,671
Filed: January 29, 1999
Attorney Docket No. 99-60484-5

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 23, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 21, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 22, 2000.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center 2800.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6183474
Issue Date: February 6,2001
Application No. 09239862
Filed: January 29,1999
Attorney Docket No. 10107/12

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed October 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 28,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6183474	2001-02-06	09239862	1999-01-29	2268.000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

◉ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
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 form of the signature.			
Signature	/Dale G. Bramlet/	Date (YYYY-MM-DD)	2009-10-28
Name	Dale G. Bramlet		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209

COPY MAILED

JUL 2 3 2003

OFFICE OF PETITIONS

In re Application of	:	
Dominic P. Carrozza, et al.	:	
Application No. 09/239,871	:	ON PETITION
Filed: January 29, 1999	:	
Attorney Docket No. 199.36691X00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 18, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed October 11, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed December 24, 2002 indicating that the reply filed on December 10, 2002 failed to place the application in condition for allowance. Accordingly, the application became abandoned on January 13, 2003.

The Change of Correspondence Address has been accepted and recorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 2600, Art Unit 2631 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 12

Arent, Fox, Kintner,
Plotkin and Kahn
1050 Connecticut Avenue, N. W.
Suite 600
Washington, DC 20036-5339

COPY MAILED

APR 09 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Hiroyoshi Tomita, et al. :
Application No. 09/240,007 :
Filed: January 29, 1999 :
Attorney Docket No. 100353-09002 :

ON PETITION

This is a decision on the petition, filed January 5, 2001, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 5, 2000 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to the undersigned at (703) 306-3475.

The application is being forwarded to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 28

Amy E. Mandragouras
Lahive & Cockfield
28 State Street
Boston, MA 02109

COPY MAILED

SEP 1 7 2002

OFFICE OF PETITIONS

In re Application of	:	
Irwin J. Griffith et al.	:	
Application No. 09/240,203	:	ON PETITION
Filed: January 29, 1999	:	
Attorney Docket No. IMI-028CPD	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond to the non-final Office action mailed April 18, 2001, which set a response period of ONE (1) MONTH or THIRTY (30) days from the mailing date of the Notice. Accordingly, a Notice of Abandonment was mailed on June 25, 2002.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1644 for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK NC 27709

COPY MAILED

MAY 11 2007

OFFICE OF PETITIONS

In re Application of	:	
Mark E. Peters	:	
Application No. 09/240,265	:	DECISION ON PETITION
Filed: January 29, 1999	:	
Attorney Docket No. CR9-98-095	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 19, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 23, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 24, 2006. A Notice of Abandonment was mailed on October 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of March 23, 2006 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 2137 for appropriate action in the normal course of business on the reply received October 19, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
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

Paper No. 15

LOUIS P HERZBERG
IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
P O BOX 218
YORKTOWN HEIGHTS, NY 10598

COPY MAILED

AUG 0 4 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Pravin Bhagwat et al :
Application No. 09/240,374 :
Filed: January 29, 1999 :
Attorney Docket No. YO999-014 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed July 2, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 3, 2002.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of July 2, 2002 is accepted as having been unintentionally delay.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the 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 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable

inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,970 extension of time submitted on March 25, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account No. 50-0510.

The second RCE fee of $790 submitted with the instant petition is unnecessary and will be credited to the same deposit account as noted above.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This file is being forwarded to Technology Center AU 2663.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ERIC PETRASKE
68 OLD HAWLEYVILLE RD
BETHEL, CT 06801

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

Louis P. Herzberg
IBM Corporation
Intellectual Property Law Department
PO Box 218
Yorktown Heights NY 10598

COPY MAILED
JUL 10 2006
OFFICE OF PETITIONS

In re Application of :
Bhagwat et al. :
Application No. 09/240,374 : ON PETITION
Filed: January 29, 1999 :
Attorney Docket No. YO999-014 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 22, 2006, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office apologizes for any inconvenience.

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 1.137(b)." No additional petition fee is necessary.

This application became abandoned on November 24, 2005, for failure to pay the issue fee and submit timely corrected drawings as required by the Notice of Allowance and Notice of Allowability, respectively, mailed on August 23, 2005. A Notice of Abandonment was mailed on January 12, 2006.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an

application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) The petition fee as set forth in 37 CFR 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 pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The present petition does not satisfy requirement (1) above.

On August 23, 2005, the Office mailed a Notice of Allowability, requiring corrected drawings, including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948). Upon reviewing the record, it appears that petitioner did not file any corrected drawings with the present petition as required by the Notice of Allowability. Pursuant to the provision of 37 CFR 1.137(b)(1) and in accordance with 35 USC §§ 133 and 151, the submission of corrected drawings is a necessary component of the required reply. Accordingly, **this application cannot be revived until petitioner submits corrected drawings**.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Louis P. Herzberg
IBM Corporation
Intellectual Property Law Department
PO Box 218
Yorktown Heights NY 10598

COPY MAILED
OCT 1 0 2006
OFFICE OF PETITIONS

In re Application of	:	
Bhagwat et al.	:	
Application No. 09/240,374	:	ON PETITION
Filed: January 29, 1999	:	
Attorney Docket No. YO999-014	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed Monday, September 11, 2006, to revive the above-identified application.

This application became abandoned on November 24, 2005, for failure to pay the issue fee as required by the Notice of Allowance mailed on August 23, 2005. A Notice of Abandonment was mailed on January 12, 2006.

In the present renewed petition, petitioner contends that according to his records he never received a Notice of Draftsperson's Patent Drawing Review attached to a communication mailed on "1-16-2." Petitioner asserts that the reference to the Draftsperson's Notice was made in error.

After inquiring with the Examiner of record and the Draftsperson, it appears that the drawings filed on April 23, 2002, were acceptable and in compliance with 37 CFR 1.84. Furthermore, the drawings of April 23, 2002, have been approved by the Draftsperson. A Notice of Draftsperson's Patent Drawing Review accompanies this decision. Accordingly, the renewed petition under 37 CFR 1.137(b) is granted.

This matter is being referred to the Office of Patent Publication for issuance of a patent.

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

Enclosure: Notice of Draftsperson's Patent Drawing Review

Form PTO-948 (Rev. 06/03)
Application No. 09/240374

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 04/23/2002 are:

A. ✓ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. _____ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)_____

___ Pencil and non black ink not permitted. Fig(s)____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)_____

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)_____

___ Poor quality (half-tone). Fig(s)_____

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)_____

___ Erasures, alterations, overwritings. interlineations, folds, copy machine marks not accepted. Fig(s)_____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)_____

___ Drawings sheets not an acceptable size. Fig(s)____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)_____

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)_____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

____ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)_____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)_____

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)_____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

___ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)_____

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) _____

___ Solid black shading not permitted. Fig(s)_____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)_____

___ Figure legends are poor. Fig(s)_____

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)_____

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)_____

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)_____

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)_____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)_____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)_____

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)_____

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)_____

COMMENTS:

Reviewer SON LAM

Date 09/18/2006

If you have questions, call (703) ~~305-8404~~ 305-0333 (EXT. 133)

Attachment to Paper No. _____

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

COPY MAILED

SEP 1 5 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK , NY 10112-0228

In re Application of
Hari Kalva et al.
Application No. 09/240,509
Filed: January 29, 1999
Attorney Docket No. AP31569

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2000, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application ("Notice") mailed February 22, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 23, 1999.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 C.F.R. §1.137(b)(3) requires 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 37 C.F.R. §1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning 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 37 C.F.R. §1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

All requirements for the filing of a grantable petition under 37 C.F.R. §1.137(b) have been met. Therefore, this petition is **GRANTED**.

The required petition fee of six hundred five dollars ($605.00) will be charged to Deposit Account No. 02-4377 as per your authorization of July 14, 2000. Additionally, the late filing fee surcharge of sixty five dollars ($65.00) will be charged to Deposit Account No. 02-4377 as per your authorization of December 3, 1999.

This file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Nelson B. Snyder III at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
HOFFMAN ESTATES, IL 60195

COPY MAILED

JAN 1 1 2005

OFFICE OF PETITIONS

In re Application of
Robert James Gerndt, et al.
Application No. 09/240,524
Filed: January 29, 1999
Attorney Docket No. KCC-14-026

ON PETITION

The above-identified application has been referred to the Office of Petitions for consideration of the petition, filed March 25, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

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 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item 1.

A review of the record discloses that a final Office action was mailed March 22, 2002. A Notice of Appeal was filed on July 2, 2002. While an appeal brief must be filed in triplicate and include the appeal brief fee therefor, applicant filed one copy of the appeal brief on August 22, 2002, without the fee required for filing a brief in support of an appeal. On May 1, 2003, the appeal brief fee was filed, along with an additional copy of the August 22, 2002 appeal brief. Since a proper response was not filed, the application became abandoned after midnight September 2, 2002.

On March 25, 2004, the present petition was filed, along with the fee required for filing a brief, 3 copies of the appeal brief and a "Request to the Examiner to Resubmit Application to the Board

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

of Patent Appeals and Interferences for Decision on Appeal". However, 37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer (and fee), regardless of the period of abandonment in an utility or plant application filed on or after June 8, 1995, but before May 29, 2000, where the application became abandoned during appeal. The reason being that utility and plant patents issuing on applications filed on or after June 8, 1995 but before May 29, 2000 are eligible for the patent term extension under former 35 U.S.C. 154(b). *Note* MPEP, Rev. 1, Feb. 2003 under **G. Terminal Disclaimer Requirement** (page 700-171).

Accordingly, this application cannot be revived until the filing of a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. A terminal disclaimer fee of $110 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Since receipt is acknowledged, on May 1, 2003, of the fee required for filing a brief in support of an appeal, the $330 fee submitted with the present petition is unnecessary and will refunded to counsel's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop PETITION
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Conferee: Brian Hearn

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

Paper No. 45

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
HOFFMAN ESTATES, IL 60195

COPY MAILED
MAR 02 2005
OFFICE OF PETITIONS

In re Application of :
Robert James Gerndt, et al. :
Application No. 09/240,524 : ON PETITION
Filed: January 29, 1999 :
Attorney Docket No. KCC-14-026 :

This is a decision on the renewed petition, filed January 31, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b). The renewed petition includes a Terminal Disclaimer as required by the decision dismissing petition mailed January 11, 2005.

The petition is **GRANTED**.

A review of the record confirms the filing of an appeal brief in triplicate and the appeal brief fee. Further, the Terminal Disclaimer filed January 31, 2005 is acceptable. Accordingly, the petition complies with the requirements of 37 CFR 1.137(b).

The application is being returned to Technology Center 3700, Art Unit 3753 for appropriate action.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

JJGJr.:04-03

Paper 26

FOLEY AND LARDNER
3000 K STREET NW SUITE 500
P O BOX 25696
WASHINGTON DC 20007-8696

COPY MAILED

APR 2 4 2003

OFFICE OF PETITIONS

In re Application of
Benoit, et al. :
Application No. 09/240,675 : ON PETITION
Filed: 2 February, 1999 :
Attorney Docket No. 017283-0123 :

This is a decision on the petition 1 August, 2002, under 37 C.F.R. §1.183[1] requesting waiver/suspension of the provisions 37 C.F.R. §1.52 (which Petitioner nonetheless contends does not apply[2]) and §1.67[3] (which Petitioner contends does).

---

[1] The regulations at 37 C.F.R. §1.183 provide:
§1.183. Suspension of the rules.
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 Commissioner or the Commissioner'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(h).
[47 Fed. Reg. 41278, Sept.17, 1982, effective Oct.1,1982]

[2] Petitioner asserts that the regulations at 37 C.F.R. §1.52 are directed to papers other than the oath or declaration. The regulations at ¶(c)(1) provide:

* * *

(c)(1)Any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to §1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. Application papers containing alterations made after the signing of an oath or declaration referring to those application papers must be supported by a supplemental oath or declaration under § 1.67. In either situation, a substitute specification (§1.125)is required if the application papers do not comply with paragraphs (a) and (b)of this section. (Emphasis supplied.

* * *

[3] The regulations at 37 C.F.R. §1.67 provide:
§1.67 Supplemental oath or declaration.
(a)The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
(1)Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1..42, 1.43, or § 1.47)may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.
(2)Deficiencies or inaccuracies relating to fewer than all of the inventor(s)or applicant(s)(§§1.42,1.43 or § 1..47)may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s)or applicant(s)to whom the error or deficiency relates.
(3)Deficiencies or inaccuracies due to the failure to meet the requirements of § 1.63((c)(*e.g* .,to correct the omission of a mailing address of an inventor)in an oath or declaration may be corrected with an application data sheet in accordance with § 1.76..
(4)Submission of a supplemental oath or declaration or an application data sheet (§ 1.76),as opposed to who must sign the supplemental oath or declaration or an application data sheet is governed by § 1.33((a)(2)and paragraph (b)of this section.
(b)A supplemental oath or declaration meeting the requirements of § 1.63 must be filed when a claim is presented for matter originally shown or

The Office regrets the delay in addressing this matter.

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

The record indicates that:

- in her Office action of 31 January, 2001, the Examiner objected to the oath or declaration filed with the application, and required the Petitioner to submit a supplemental oath or declaration pursuant to 37 C.F.R. §1.67(a) due to defects in the original oath or declaration, to wit: [n]on-initialed and/or non-dated alterations have been made to the oath or declaration[,]" and the Examiner further cited 37 C.F.R. §1.52;
- Petitioner filed a reply (with extension of time) filed on 23 July, 2001;
- in her Office action of 7 August, 2001, the Examiner maintained the objection;
- Petitioner filed evidence of an unsuccessful attempt to contact the inventors in the reply (with request for continued examination and request for extension of time) on 7 December, 2001;
- in her Office action of 1 February, 2002, the Examiner again maintained the objection;
- Petitioner filed the instant petition on 1 August, 2002.

LAW AND ANALYSIS

Applications filed under 35 U.S.C. §111(a) require of applicants an oath, and impose upon applicants and other individuals substantively involved with the preparation and/or prosecution of the application have a duty of disclosure Office as to information which material to patentability.[4]

---

described but not substantially embraced in the statement of invention or claims originally presented or when an oath or declaration submitted in accordance with §1.53(f)after the filing of the specification and any required drawings specifically and improperly refers to an amendment which includes new matter. No new matter may be introduced into a nonprovisional application after its filing date even if a supplemental oath or declaration is filed. In proper situations, the oath or declaration here required may be made on information and belief by an applicant other than the inventor.
(c)[Reserved]
[48 FR 2711, Jan. 20, 1983, effective Feb.27, 1983; para. (c) added, 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. (b) revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; para. (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised and para. (c) removed and reserved, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

[4] See: 35 U.S.C. §111(a), §115 and §371(a); see also: 37 C.F.R. §1.56.

The regulations at 37 C.F.R. §1.67 provide procedures for requiring and submitting a supplemental oath or declaration in advancement of the statutory requirements.

Petitioner alleges facts, and provides documentation in support thereof, which indicate that despite diligent effort Petitioner is unable to satisfy the requirements of 37 C.F.R. §1.67.

Thus--Petitioner's assertion to the contrary notwithstanding--a wavier of 37 C.F.R. §1.67 is required.

Petitioner having carried the burden of proof, the request for a waiver under 37 C.F.R. §1.183 of the requirements of 37 C.F.R. §1.67 hereby is **granted**.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

JJGJr.:12-01

Paper 6

POWELL GOLDSTEIN
FRAZIER & MURPHY LLP
P.O. BOX 97223
WASHINGTON, DC 20090-7223

COPY MAILED

JAN 22 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of
Huang, et al.
Application No. 09/240,833
Filed: 1 February, 1999
Attorney Docket No. 147268.00261

This is a decision on the petition styled as "Petition for Withdrawal of Abandonment Under 37 C.F.R. §1.181" filed on 30 April, 2001, and more appropriately treated as a request for the withdrawal of the holding of abandonment under the provisions of 37 C.F.R. §1.181.[1]

The petition is **DISMISSED**.[2]

NOTES:

(1) Any request for reconsideration of this decision under 37 C.F.R. §1.181) (as to withdrawal of the holding of abandonment) or an alternative request for relief under 37 C.F.R. §1.137(b) (as to unintentional delay) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181 and Petition under 37 C.F.R. §1.137(b)";

(2) Thereafter, there will be no further reconsideration of this matter

(3) Moreover, it appears that while a copy of a Power of Attorney has been attached to

---

[1] The regulations at 37 C.F.R. §1.181 provide, in pertinent part:

§1.181 Petition to the Commissioner.

(a) Petition may be taken to the Commissioner: (1) From any action or requirement of any examiner in the *ex parte* prosecution of an application which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court; (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and (3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. * * *

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Brief or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declaration (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, it may be required that there have been a proper request for reconsideration (§1.111) and a repeated action by the examiner. The examiner may be directed by the Commissioner to furnish a written statement, within a specified time, setting forth the reasons for his decision upon the matters averred in the petition, supplying a copy thereof to the petitioner.

(d) Where a fee is required for a petition to the Commissioner the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed. * * *

(f) Except as otherwise provided in these rules, any such petition not filed within 2 months from the action complained of, may be dismissed as untimely. The mere filing of a petition will not stay the period for reply to an Examiner's action which may be running against an application, nor act as a stay of other proceedings. * * *

[2] Pursuant to Petitioner's authorization, the $130.00 petition fee is charged to Deposit Account 50-1682.

the instant petition, no NOTICE OF CHANGE OF ADDRESS and REVOCATION/ POWER OF ATTORNEY has been formally filed of record.

That condition is in contrast to requisite Office practice requiring proper notification of change of address, and such failure of practice does not reflect the requisite diligence of practice before the Office so as to demonstrate the care given to one's most important business affairs.[3]

BACKGROUND

The record indicates that:

- Petitioner failed to reply timely a non-final Office action mailed on 30 January, 2001, and due (absent extension of time) on or before 30 April, 2001;
- the application went abandoned at midnight on 30 April, 2001;
- Notice of Abandonment was mailed on 25 September, 2001;[4] and
- Petitioner supplies no documentary evidence in support of his petition, and has as of this writing failed to file a reply to the Office action in question.[5]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[6] And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably[7] or unintentionally, respectively, abandoned application under this congressional grant of authority .

---

[3] See: Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r. Pat. 1913): In the context of ordinary human affairs the test is such care as is generally used and observed by prudent and careful persons in relation to their most important business.

[4] Petitioner incorrectly cites the date as 24 September, 2001.

[5] In order to expedite Petitioner's filing of a proper reply herein, a copy of the 30 January, 2001, Office action is enclosed.

[6] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[7] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional. Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Moreover, the courts have determined the construct for properly supporting an allegation of non-receipt of an Office action in seeking withdrawal of a holding of abandonment.[8]

Allegation of Non-Receipt of Office Action

Petitioner cites as the alleged basis for his request that the Office withdraw the holding of abandonment a statement that Petitioner did not receive Office action in question.

However, there is no documentation submitted in support of this allegation, save Petitioner's statement. There are no copies of the mail-receipt log(s); no description of Petitioner's procedures for collecting and reviewing in-coming mail and or statement from any staff support personnel in Petitioner's who handle those responsibilities:

(1) the method used for recording/tracking incoming and outgoing communications regarding applications in general and this application in particular, and

(2) the manner in which this application was in fact handled by the applicant and/or those acting on behalf of the applicant.

Moreover, there are no copies of Petitioner's office documents/records indicating:

- what material was received on what date,
- what was received in the weeks after mailing of the Notice, and
- evidencing the difference in Petitioner's records as to the receipt of the Notice of Abandonment as contrasted with the alleged non-receipt of the January 2001 Office action.

Therefore, Petitioner has failed to:

- (a) support a petition for withdrawal of the holding of abandonment, and/or
- (b) seek relief for unintentional delay.[9]

Petitioner's further failure to cure timely these defects may reasonably be found to be intentional delay. Such a finding would be an absolute bar to revival.

Therefore, the contention that the Office action was not received is not supported in the record. That failure fails to satisfy the burdens set forth in Delgar v. Schulyer.

Withdrawal of the holding of abandonment is not proper.

---

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

[9] See: Alternative Venue, below.

ALTERNATIVE VENUE

Lacking the documentation discussed above, Petitioner likely is unable to make a showing necessary for a withdrawal of the holding of abandonment, and Petitioner's only alternative to irretrievable abandonment is to:

- file a petition and fee as set forth at NOTE 1, above at page 1, under 37 C.F.R. §1.137(b), and
- state therein 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 37 C.F.R. §1.137(b) was unintentional."

Thus, Petitioner may wish to supplement his petition to plead alternatively under 37 C.F.R. §1.137(b) wherein the "showing" burden is much less onerous.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries should be directed to John J. Gillon, Jr., Attorney, Office of Petitions, at (703) 305-9199.

Beverly M. Flanagan, for

John J. Gillon, Jr.
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

THOMAS T MOGA
POWELL GOLDSTEIN FRAZER & MURPHY LLP
PO BOX 97223
WASHINGTON DC 20009

COPY MAILED

FEB 21 2002

OFFICE OF PETITIONS

In re Application of
Huang, et al.
Application No. 09/240,833
Filed: February 1, 1999
Attorney Docket No. 147268.00261

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2002, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed January 30, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 1, 2001. A Notice of Abandonment was mailed on September 25, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks item (1), the required reply. Petitioner has failed to submit a reply to the non-final Office action mailed January 30, 2001.

A copy of the January 30, 2001 Office action is enclosed for petitioner's convenience.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and

circumstances of such delay.[1] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enc: Office action, mailed January 30, 2001 (6 pages)

---

[1] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 11

THOMAS T MOGA
POWELL GOLDSTEIN FRAZER & MURPHY LLP
PO BOX 97223
WASHINGTON DC 20009

COPY MAILED

MAY 06 2002

OFFICE OF PETITIONS

In re Application of :
Huang, et al. :
Application No. 09/240,833 : ON RENEWED PETITION
Filed: February 1, 1999 :
Attorney Docket No. 147268.00261 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 29, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed January 30, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 1, 2001. A Notice of Abandonment was mailed on September 25, 2001. On December 17, 2001, petitioner filed a petition to withdraw the holding of abandonment. However, this petition was dismissed in a decision mailed on January 22, 2002. On January 18, 2002, petitioner filed a petition to revive under 37 CFR 1.137(b). However, because petitioner did not submit the required reply to the non-final Office action, this petition was dismissed in a decision mailed on February 21, 2002.

With the instant petition, petitioner filed the required reply in the form of an amendment. The petition fee and proper statement of unintentional delay were previously submitted with the petition on January 18, 2002.

The application file is being forwarded to Technology Center 2100 for consideration of the amendment, filed April 29, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 15

James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

MAILED

OCT 01 2002

Technology Center 2100

In re Application of: Jeffrey A. Smith, et al.	)	
Application No. 09/240,844	)	
Filed: February 1, 1999	)	
For: USER INTERFACE METHOD AND SYSTEM FOR APPLICATION PROGRAMS IMPLEMENTED WITH COMPONENT ARCHITECTURES	)	**DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY**

This is a decision on the Request To Withdraw from Representation filed September 23, 2002.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

FOR Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software
(703) 305-9750

cc: Albert S. Penilla, Esq.
MARTINE & PENILLA, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085

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.go

Paper No. 19

MAIL

NOV 28 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of
Alex E. Henderson, *et al.*
Application No. 09/240,919
Filed: January 29, 1999
For: SYSTEM AND METHOD FOR FILTERING DATA

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on July 15, 2003.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, *the request is* ***granted.*** All future correspondence will be mailed to the below listed address. The address was provided by the withdrawing attorneys.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

Cc: Alexa Le
INTEL CORPORATION
Santa Clara Four Building (SC4)
625 Walsh Ave.
Santa Clara, CA 95052-8119

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 10

COPY MAILED

JUL 18 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

BRETT CARLSON -- INTELLECTUAL PROPERTY
SNELL AND WILMER
ONE ARIZONA CENTER
PHOENIX, AZ 85004

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
Attorney Docket No. 10655.7117
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 17, 1999.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 1, 1999 without an executed oath or declaration. Accordingly, on February 17, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on May 17, 1999, a petition for a one month extension of time and accompanying fee, a statement of facts by Mr. Howard I Sobelman, the surcharge, and the instant petition and petition fee were filed.[1] In his statement of facts, Mr. Howard I. Sobelman, an attorney at the law firm of Snell & Wilmer LLP, alleges that Mr. Bradley P. Pollock, the attorney for the non-joining inventors, Ms. Mari Belczynski and Mr. Robert Berry, received a copy of the application for his clients' review and signature. Mr. Sobelman has provided a copy of a January 28, 1999 letter from Mr. Pollack to Mr. Sobelman that states Mr. Berry and Ms. Belczynski were provided with an incomplete application. Mr. Sobelman also states that it is his belief that Mr. Berry and Ms. Belczynski are refusing to sign the Declaration because despite repeated requests that they sign it, he has not received an executed declaration.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),

---

[1] Petitioner is advised that there was no declaration executed by joint inventor Blandina accompanying this petition.

(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

This petition lacks items (1), (2) and (4) above.

As to item (1), Applicant has failed to establish that the non-signing inventors have refused to join in the application. The Office requires that the non-signing inventors be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). Mr. Sobelman's statement of facts does not establish that a complete copy of the application was mailed to Mr. Berry's and Ms. Belczynski's last known addresses. Mr. Pollock's January 28, 1999 letter states that the copy of the application that was given to him (by Mr. Blandina?) was lacking drawing figures that were referenced in the application. This implies the application was incomplete.

As petitioner is aware, circumstances change and individuals, when faced with opportunities, someimes waiver from their stated intentions. Mr. Berry and Ms. Belczynski must have the complete application in their possession in order to make an informed decision as to whether they join in its filing. When petitioner can show that Mr. Berry and Ms. Belczynski were mailed or recieved the complete application and that they either refused to sign the declaration or would not respond to the request that they sign the declaration, petitioner will have satisfied this requirement.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration does not set forth Mr. Berry's and Ms. Belczynski's residence, citizenship, and post office address. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Mr. Berry and Ms. Belczynski is REQUIRED. See MPEP 409.03(b).

As to item (4), a statement of the inventors last known addresses is missing and is required.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Applicant should be aware that no one has been empowered to act as attorney of record in the above-identified application..

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Special Program Law Office

By hand: Special Program Law Office
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

COPY MAILED

SEP 27 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

BRETT CARLSON -- INTELLECTUAL PROPERTY
SNELL AND WILMER
ONE ARIZONA CENTER
PHOENIX, AZ 85004

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
Attorney Docket No. 10655.7117
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition under 37 CFR 1.47(a), filed August 17, 2000.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 1, 1999 without an executed oath or declaration. Accordingly, on February 17, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on May 17, 1999, a petition for a one month extension of time and accompanying fee, a statement of facts by Mr. Howard I Sobelman, the surcharge, and the instant petition and petition fee were filed. In his statement of facts, Mr. Howard I. Sobelman, an attorney at the law firm of Snell & Wilmer LLP, alleges that Mr. Bradley P. Pollock, the attorney for the non-joining inventors, Ms. Mari Belczynski and Mr. Robert Berry, received a copy of the application for his clients' review and signature. Mr. Sobelman has provided a copy of a January 28, 1999 letter from Mr. Pollack to Mr. Sobelman that states Mr. Berry and Ms. Belczynski were provided with an incomplete application. Mr. Sobelman also states that it is his belief that Mr. Berry and Ms. Belczynski are refusing to sign the Declaration because despite repeated requests that they sign it, he has not received an executed declaration. The petition under 37 CFR 1.47(a), filed May 17, 1999, was dismissed on July 18, 2000 for failure to (1) establish that the non-signing inventors received a complete copy of the application, (2) submit an oath/declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available joint inventor and (3) provide a statement of both inventors' last known address.

The Request for Reconsideration, filed August 17, 2000, points to evidence that establishes that the two non-signing inventors received a copy of the full patent application including the specification with claims, drawings and a new declaration. Petitioner also includes a statement of last known address for both non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,

(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The spaces in the declaration for Mr. Berry's and Ms. Belczynski's residence, citizenship, and post office address are blank. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Mr. Berry and Ms. Belczynski is REQUIRED. See MPEP 409.03(a).

Regarding the request to direct all correspondence to the law firm of Snell & Wilmer L.L.P., petitioner should be aware that no one has been empowered to act as attorney of record in the above-identified application. Only an attorney of record may designate a correspondence address. 37 CFR 1.33. Until a proper declaration/power of attorney is accepted by the Office, the Office will mail correspondence to the address listed on the initial filing.

The $130.00 petition fee filed with the Request for Reconsideration is unnecessary and will be refunded to petitioner's deposit account, 19-2814.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Special Program Law Office

By hand: Special Program Law Office
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 15

COPY MAILED

NOV 2 2 2000

OFFICE OF PETITIONS
A/C PATENTS

BRETT CARLSON -- INTELLECTUAL PROPERTY
SNELL AND WILMER
ONE ARIZONA CENTER
PHOENIX, AZ 85004

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
Attorney Docket No. 10655.7117
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the renewed petition under 37 CFR 1.47(a), filed October 4, 2000.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 1, 1999 without an executed oath or declaration. Accordingly, on February 17, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. A petition under 37 CFR 1.47(a), filed May 17, 1999, was dismissed on July 18, 2000 for failure to (1) establish that the non-signing inventors received a complete copy of the application, (2) submit an oath/declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available joint inventor and (3) provide a statement of both inventors' last known address. The Request for Reconsideration, filed August 17, 2000, was dismissed on September 27, 2000 for failure to provided an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

An acceptable declaration executed by the available joint inventor must be submitted. The declarations transmitted via facsimile on October 3, 2000 and October 4, 2000, respectively, are copies of the original declaration with modifications. It is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. MPEP 605.04(a). The

declaration cannot be amended, altered, or changed in any manner after it has been signed. MPEP 602.01. Mr. Blandina must execute a new declaration containing full information -- residence, post office address, and citizenship -- for all three inventors.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Assistant Commissioner for Patents Box DAC Washington, D.C. 20231
By facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

SNELL & WILMER LLP
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

COPY MAILED

JAN 0 2 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER
Attorney Docket No. 10655.7117

: DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 19, 2000, requesting reconsideration of the decision mailed November 22, 2000 refusing status under 37 CFR 1.47(a)

The petition is granted.

Petitioner has shown that the nonsigning inventors have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the nonsigning inventors at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-8680.

This application is being forwarded to the Initial Patent Examination Division for preexamination processing

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Mari Belczynski
6925 S. Riveria Way
Aurora, CO 80016

COPY MAILED

JAN 0 2 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Michael Blandina, Robert Berry and Mari Belczynski
Application No. 09/241,188
Filed: February 1, 1999
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER

Dear Ms. Belczynski:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-8680. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Snell & Wilmer LLP
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Robert Berry
6612 South Royal Harvest Way, #31
Salt Lake City, Utah 84121

COPY MAILED

JAN 0 2 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Michael Blandina, Robert Berry and Mari Belczynski
Application No. 09/241,188
Filed: February 1, 1999
For: STORED VALUE TRANSACTION SYSTEM HAVING AN INTEGRATED DATABASE SERVER

Dear Mr. Berry:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-8680. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Snell & Wilmer LLP
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

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 Patent No. 6178272
Issue Date: January 23,2001
Application No. 09241434
Filed: February 2,1999
Attorney Docket No. 988/5

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 28,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,178,272	2001-01-23	09/241,434	1999-02-02	988/5 (P22951)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Jeffrey S. Draeger/	Date (YYYY-MM-DD)	2009-09-28
Name	Jeffrey s. Draeger	Registration Number	41000

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 17

DUANE MORRIS, LLP
ATTN: WILLIAM H. MURRAY
ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA, PA 19103-7396

COPY MAILED

MAR 24 2003

OFFICE OF PETITIONS

In re Application of
John O. Ruid, et al.
Application No. 09/241,450
Filed: February 2, 1999
Attorney Docket No. 1-8380

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 21, 2003, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on, January 13, 2003, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 1771 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
(703) 305-9220

---

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUN 6 2002

#19

STEPHEN B. SALAI, ESQ.
HARTER, SECREST & EMER LLP
160 BAUSCH & LOMB PLACE
ROCHESTER, NY 14604-2711

In re Application of	:	
Nikolai M. Krivitski	:	
Application No: 09/241,455	:	PETITION DECISION
Filed: February 2, 1999	:	
Title: Acess Dysfunction	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 C.F.R. 1.313.

The application is being withdrawn to permit reopening of prosecution due to unpatentability over one or more claims.

PTO records reveal that the issue fee has not been paid. If the fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the Examiner for action.

John E. Kittle
Director
Technology Center 3700/2900

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

DAVID H. BRINKMAN
WOOD, HERRON & EVANS, L.L.P.
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

COPY MAILED

MAR 16 2006

OFFICE OF PETITIONS

In re Patent No. 6,426,047 :
Issue Date: July 30, 2002 :
Application No. 09/241,497 : ON PETITION
Filed: February 1, 1999 :
Patentee: Marc Hamel, et al. :

This is a notice regarding your 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).**

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of David H. Brinkman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. However, if Mr. Brinkman desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

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) 272-3229.

The application file is being referred to Files Repository.

Retta Williams

Retta Williams
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

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Jorg Reimann, et al. :
Patent No. 7,029,680 : NOTICE
Application No. 09/241,595 :
Filed: February 2, 1999 :
Attorney Docket No. 9325-0008.30

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

Ramesh Krishnamurthy

for Chris Bottorff
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

In re Patent No. 6615026
Issue Date: September 2,2003
Application No. 09241623
Filed: February 1,1999
Attorney Docket No. 003846.P001

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed May 1,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 1,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6615026	2003-09-02	09241623	1999-02-01	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Alfred Wong/	Date (YYYY-MM-DD)	2008-05-01
Name	Alfred Wong		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 14

GREGORY J GLOVER
DORSEY & WHITNEY
1330 CONNECTICUT AVENUE NW
SUITE 200
WASHINGTON , DC 20036

COPY MAILED

OCT 20 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Ellen M. Heath et al. :
Application No. 09/241,636 : DECISION ON PETITION
Filed: February 2, 1999 :
Attorney Docket No. 5253 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office Action mailed February 24, 2000, which set a shortened statutory period for reply of three (3) months. Petitioner obtained a three (3) month extension of time under the provisions of 37 CFR 1.136(a), and filed an Amendment After Final Rejection on August 24, 2000. An Advisory Action mailed September 27, 2000, stated that Petitioner's August 24, 2000 Amendment did not place the application in condition for allowance. Accordingly, the above-identified application became abandoned on August 25, 2000. A Notice of Abandonment was mailed on September 27, 2000.

The required petition fee of six hundred five dollars ($605.00) will be charged to Deposit Account #18-1945 as per your authorization of September 5, 2000.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filedSeptember 5, 2000. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of the CPA.

This application is being forwarded to Technology Center 1600 for processing the CPA.

Additionally, the file does not indicate a change of address has been submitted,

although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future corespondence solely to the address of record.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Nelson B. Snyder III at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc.: GREGORY J. GLOVER
ROPES & GRAY
1301 K STREET, N.W.
SUITE 800 EAST
WASHINGTON, DC 20005

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

HELLER EHRMAN LLP
1717 RHODE ISLAND AVE, NW
WASHINGTON DC 20036-3001

COPY MAILED

JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Heath et al.	:	
Application No. 09/241,636	:	ON PETITION
Filed: February 2, 1999	:	
Attorney Docket No. 41140-0003	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 16, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 1600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

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

Baker Donelson Bearman, Caldwell & Berkowitz, PC
555 Eleventh Street, NW, Sixth Floor
Washington, DC 20004

Mail Date: 04/27/2010

Applicant	: ELLEN M. HEATH	: DECISION ON REQUEST FOR
Patent Number	: 7670768	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 09/241,636	: OF WYETH
Filed	: 02/02/1999	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

FEB 15 2001

Lorraine S. Hirsch
17491 Hicks Road
Los Gatos, CA 95032

In re Application of:	:	
Einarson *et al.*	:	DECISION ON PETITION
Application No. 09/241,744	:	TO MAKE SPECIAL
Filed: February 1, 1999	:	
Attorney Docket No. PSI-801	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed February 1, 1999, to make the above-identified application special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item V: Environmental Quality.

The petition is **granted.**

A grantable petition under 37 C.F.R. § 1.102(c), and in accordance with M.P.E.P. § 708.02, Item V, for inventions which materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil, must be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention contributes to the restoration or maintenance of one of these life-sustaining elements. No fee is required for this petition.

Petitioner asserts that the invention materially enhances the quality of the environment of mankind by contributing to the restoration and maintenance of water, one of the basic life-sustaining natural elements. In support of the petition, a declaration by the applicant's attorney was submitted explaining that the invention materially contributes to the quality of the environment by improving the ease with which water and soil samples can be monitored for testing for environmental contaminates. Specifically, it is stated that the invention improves the speed and accuracy of detection of contaminated soils and subsurface water, so that any detected contamination can be more swiftly mitigated.

BEST AVAILABLE COPY

The statements made by applicant's attorney in the supporting declaration are sufficient to establish that the invention materially enhances the quality of the environment of mankind by contributing to the restoration and maintenance of water and soil and, therefore, qualify the application for special status under 37 CFR 1.102(c) and pursuant to M.P.E.P. § 708.02, Item V. Accordingly, the petition is **granted.**

The application is being forwarded to the examiner for expedited prosecution.

If the examiner can make this application special without prejudice to any possible interfering applications, and s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Inquiries regarding this decision should be directed to Ed Glick at (703) 308-4858.

BEST AVAILABLE COPY

Edward J Glick, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.go

MAIL

Paper No. 19

FEB 1 0 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

WELSH & FLAXMAN LLC
2450 CRYSTAL DRIVE
SUITE 112
ARLINGTON VA 22202

In re Application of
Vladimir POGREBINSKY
Application No. 09/241,857
Filed: February 2, 1999
For: **METHOD AND APPARATUS FOR TRANSMITTING PACKETS**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Petition for Revival filed October 13, 2004. The petition is treated as a petition to withdraw holding of abandonment.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed February 23, 2004. A Notice of Abandonment was mailed on September 16, 2004.

Petitioner asserts that the Office action was not received. A review of the record indicates that the Revocation and Power of Attorney filed October 11, 2001 was not properly processed. This resulted in the Office action of February 23, 2004 being mailed to an address not of record. The PTO regrets any inconvenience to petitioner.

In view of the above stated reasons the Notice of Abandonment mailed September 16, 2004 is hereby vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The Revocation filed October 11, 2001 has been properly entered. The application file is being forwarded to the Technology Center's technical support staff for re-mailing the Office action originally mailed February 23, 2004 to the proper correspondence address of record. The period for response will be set to run from the mailing date of the Office action.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

09 AUG 2000

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

T. David Reed
c/o The Proctor Gamble Company
5299 Spring Grove Avenue
Cincinnati, Ohio 45217-1087

In re Application of Schmitt, Achim U.S. Application No.: 09/242,014 PCT No.: PCT/US97/05008 International Filing Date: 27 March 1997 Priority Date: 30 March 1996 Attorney's Docket No.: CM1189Q For: DISPOSABLE ABSORBENT ARTICLE WITH WINGS PREDISPOSED TOWARDS THEIR IN-USE-POSITION	DECISION ON PETITION

This decision is issued in response to "Petition To Withdraw Erroneous Notice Of Abandonment Or Alternatively To Revive Unintentionally Abandoned Application" filed on 12 April 2000 which has been treated as a petition under 37 CFR 1.182. Applicant has been charged the required $130 petition fee.

BACKGROUND

On 27 March 1997, applicant filed international application PCT/US97/05008 which claimed a priority date of 30 March 1996 and which designated the United States.

On 01 October 1997, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was extended to expire 30 months from the priority date, i.e., 30 September 1998.

On 30 September 1998, applicant filed a transmittal letter for entry into the national stage in the United States which included authorization to charge Deposit Account No. 16-2480 $720 as the basic national fee. The transmittal letter noted that a copy of the international application was not required because the international application had been filed in the United States Receiving Office. The application was assigned United States application number 09/242,014.

On 28 April 1999, the United States Designated/Elected Office (DO/EO/US) mailed 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 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The Notification also informed applicant that the failure to submit these materials within one month of the date of the Notification would result in abandonment of the application.

On 19 January 2000, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned with respect to the United States for failure to respond to the Notification Of Missing Requirements mailed on 28 April 1998.

On 12 April 2000, applicant filed the "Petition To Withdraw Erroneous Notice Of Abandonment Or Alternatively To Revive Unintentionally Abandoned Application" considered herein.

DISCUSSION

In the present petition, applicant asserts that he filed an executed declaration on 05 April 1999 (along with an authorization to charge counsel's Deposit Account for the $130 surcharge). Applicant has attached a copy of this filing, including a return postcard bearing a receipt stamp dated 05 April 1999. However, a review of the transmittal letter and the return postcard reveals that these materials were not filed in the present application (09/242,014); rather, they were filed under application number (09/155,610). A review of the file has revealed that the declaration and transmittal letter filed by applicant on 05 April 1999 were present in application file number 09/155,610; these materials have been removed and placed in the proper file (09/242,014).

The Notification Of Missing Requirements and the Notification Of Abandonment were issued in this case because the applicant directed the declaration and surcharge to the wrong file. In order to correct this error, the present petition has been treated as a petition under 37 CFR 1.182 to correct the application number on the transmittal letter submitted with the declaration on 05 April 1999. Based on this correction, the declaration and surcharge are considered to have been filed in the present application on 05 April 1999. Because the declaration and transmittal letter filed on 05 April 1999 constitute a proper response to the Notification Of Missing Requirements, the Notification Of Abandonment mailed 29 January 200, based as it was on a purported failure to respond to the Notification Of Missing Requirements, is appropriately withdrawn.

Applicant has attached to the petition a copy of a filing receipt mailed in application 09/155,610. This was addressed to counsel in the present application and identified the applicant as Achim Scmitt, the inventor here, but all the other information related to the application

properly identified as 09/155,610. This filing receipt is hereby vacated. Applicant here will receive a proper filing receipt for the present application in due course, after the mailing of the Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

CONCLUSION

For the reasons above, the petition is **GRANTED** and the holding of abandonmet is hereby **WITHDRAWN.**

Deposit Account 16-2480 has been charged $130 as the applicable petition fee.

All future correspondence relating to this application, the United States national stage of PCT/US97/05008, should be submitted under application number **09/242,014**.

This application has an international filing date of 27 March 1997 under 35 U.S.C. 363 and a date of 05 April 1999 under 35 U.S.C. 371(c) and 102(e).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing, including the mailing of a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Richard Cole
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

RMR/RC:rmr

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

Theodore P. Cummings
The Procter & Gamble Company
Ivorydale Technical Center - Box 474
5299 Sprin Grove Avenue
Cincinnati, OH 45217

COPY MAILED

AUG 2 8 2001

OFFICE OF PETITIONS

In re Application of :
Achim Schmitt :
Application No. 09/242,014 :
Filed: April 5, 1999 :
Attorney Docket No. CM1189Q :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 6, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 18, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 19, 2001.

Telephone inquiries concerning this decision should be directed to Retta Williams at (703) 306-5594 or in my absence, Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center 3700 for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Latrice Bond

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address:Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

28 JUL 2000

Daniel A. Monaco
SEIDEL, GONDA, LAVORGNA
& MONACO, P.C.
1800 Two Penn Center Plaza
Philadelphia, Pennsylvania 19102

In re Application of
Michel RIERA
Serial Nos.: 09/242,191 and 09/242,272
PCT No.: PCT/FR97/01488
Int. Filing Date: 13 August 1997
Priority Date: 13 August 1996
Attorney's Docket Nos.: 144-198 and 144-198(2)
For: DEVICE FOR GENERATING MAGNETIC FIELDS FOR CATALYZING PHYSICO-CHEMICAL REACTIONS

DECISION ON
PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT" filed by facsimile on 27 July 2000. Applicant requests that the two files 09/242,191 and 09/242,272 be combined into one file and that the Notification of Abandonment of Application issued by the Office on 06 January 2000 be withdrawn. Applicant's Request is being treated as a Petition under 37 CFR 1.181 for withdrawal of the holding of abandonment in the present application. No petition fee is required.

BACKGROUND

On 13 August 1997, applicant filed international application PCT/FR97/01488, which claimed priority of an earlier French application filed 13 August 1996. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 February 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 27 February 1998, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month

period for paying the basic national fee to enter the national stage in the United States expired at midnight on 13 February 1999.

On 10 February 1999, applicant filed a Transmittal Letter for entry into the national stage in the United States under 35 U.S.C. 371. Filed with the Transmittal Letter were, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a translation of the international application which was misrepresented as a copy of the international application as required by 35 U.S.C. 371(c)(2); and an unsigned declaration of the inventor. These papers were assigned application number 09/242,191.

On 12 February 1999, applicant refiled the same papers as mentioned above for entry into the national stage in the United States but with a transmittal letter, which correctly identifies the English text of the description and claims as the translation of the international application. These papers were stamped with serial number 09/242,272.

On 10 May 1999, the United States Designated Office/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that the oath or declaration of the inventor must be submitted in order to avoid abandonment of the application as to the United States. Meanwhile, a declaration of the inventor in compliance with 37 CFR 1.497 was submitted on 17 May 1999 for serial number 09/242,272.

On 06 January 2000, the DO/EO/US issued a Notification of Abandonment (Form PCT/DO/EO/909) in serial number 09/242,191, indicating that the application is abandoned because "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 10 May 99 within the time period set therein."

On 27 July 2000, applicant filed the present petition requesting that the two files 09/242,191 and 09/242,272 be merged into one file and that the Notification of Abandonment of Application issued 06 January 2000 be withdrawn since a declaration of the inventor was timely submitted for the national stage of application PCT/FR97/01488 on 17 May 1999 in response to the Notice of Missing Requirements of 10 May 1999.

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 end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

Applicant's request for withdrawal of holding of abandonment due to failure to respond to the Office action of 10 May 1999 may be GRANTED because the correct

procedure is to combine in one file all the application papers submitted for entry into the national stage in the United States for PCT/FR97/01488, and by so doing, applicant timely responded to the Notice of Missing Requirements of 10 May 1999 with the submission of the Declaration of the inventor on 17 May 1999.

DECISION

In view of the above discussion, the papers filed on 12 February and 17 May 1999 in serial number 09/242,272 have been placed in application number 09/242,191. The Petition under 37 CFR 1.181 for withdrawal of the holding of abandonment in the present application is **GRANTED**.

Applicant should use application number **09/242,191** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/FR97/01488.

This application is being returned to the DO/EO for further processing, including the issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) with a 35 U.S.C. 371(c) and 102(e) date of 17 May 1999, and the preparation and mailing of a filing receipt.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/LES:hn

Tel: (703) 308-6508

UNITED STATES PATENT AND TRADEMARK OFFICE

#7

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

JAN 03 2002

MCDERMOTT WILL & EMERY
600 13TH STREET
WASHINGTON, DC 20005-3096

In re Application of	:	
WU, et al.	:	
Application No.: 09/242,226	:	DECISION ON PETITIONS
PCT No.: PCT/US99/02670	:	UNDER
International Filing Date: 10 February 1999	:	37 CFR §§1.181 and 1.182
Priority Date: 10 February 1998	:	
Attorney Docket No.: 50103-148	:	
For: MAGNETIC RECORDING MEDIA	:	
WITH PATTERNED SUBSTRATE	:	

This is a decision on applicants' "Petition under 37 CFR 1.182" filed on 22 April 1999 and "Petition under 37 CFR 1.181" filed on 25 May 2001.

BACKGROUND

On 10 February 1999, applicants filed international application PCT/US99/02670, which claims a priority date of 10 February 1998. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 25 August 1999. Accordingly, the thirty-month period to comply with the requirements for entry into the national stage in the United States expired at midnight on 10 August 2000.

On 10 February 1999, 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, a copy of the international application in English, and an executed declaration.

On 25 February 1999, the PCT Legal Office mailed applicants a "Letter Regarding Filing Under 35 U.S.C. 371," in which, applicants were informed that the papers filed 10 February 1999 did not reflect the international application number and thus, the Office could not process the papers. Furthermore, the papers would be retained in the PCT Legal Office for two months to await a response by applicants indicating the international application number.

On 16 January 2001, applicants submitted a status inquiry to the Office. On 08 May 2001, the Office responded informing applicants that the application could not be processed by the U.S. Designated/Elected Office because no international application number was provided. Another copy of the "Letter Regarding Filing Under 35 U.S.C. 371" originally mailed 25 February 2001, was attached to this response.

DISCUSSION

On 25 May 2001, applicants filed the instant petition under §1.181, requesting that the PCT Legal Office enter and consider applicants' petition under 37 CFR §1.182 and amendment submitted to the U.S. Patent and Trademark Office on 22 April 1999 in the instant application. Accompanying the petition were true copies of the papers applicants maintain were timely filed on 22 April 1999. In support thereof, applicants submitted a copy of their postcard receipt.

Consideration of Petition under §1.181 filed 25 May 2001

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See MPEP 503.

A review of applicants' receipt reveals that it itemizes a "Petition under 37 CFR 1.182" and an "Amendment" as being hand carried to the Office. The receipt bears a OIPE receipt stamp date of 22 April 1999, reflecting receipt in the Office of those items on that date. Accordingly, it is concluded that applicant has shown that the "Petition under §1.182" and amendment were timely filed on 22 April 1999.

In view thereof, the petition under §1.181 is **GRANTED**.

Consideration of Petition under §1.182 filed 22 April 1999

Petitioner requests that the Office treat the identification of the international application number PCT/US99/02670 as having been provided in the 10 February 1999 papers. Included with this petition is payment of the petition fee by Deposit Account and an amendment to amend the specification to identify the PCT application number[1]. Applicants assert that the application was both filed as a PCT application and entered the national stage in the United States on 10 February 1999. Thus, at the time of entering the national phase, the PCT number

[1] The amendment is improper and will not be entered. A national stage application of a PCT application cannot claim priority to the PCT application. The filing date of a national stage application is the international filing date. See 35 U.S.C. 363.

was not known. In addition, applicants assert that no new matter or legal ramifications exist with amending the specification to include the PCT application number.

Petitioner's arguments have been considered and are well taken. Furthermore, the application identifying information provided on the transmittal letter filed 10 February 1999, i.e., the title, applicant-inventor information, priority date, and international filing date all correspond to that of PCT/US99/02670. Thus, it is concluded that the national stage papers filed 10 February 1999 sufficiently identify international application no. PCT/US99/02670. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 09/242,226 will be treated as a U.S. national stage submission for PCT/US99/02670.

CONCLUSION

For the above reasons, the petition under 37 C.F.R. §1.182 is **GRANTED**.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application no. 09/242,226 as the U.S. national stage application of PCT/US99/02670.

Nancy Johnson
Petitions Attorney
PCT Legal Office

Boris Milef
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 305-0309
Facsimile: (703) 308-6459

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 - 8 2004

DSS

Paper No.

In re application of
Wolf-Georg Forssmann et al.
Serial No. 09/242,254
Filed: May 07, 1999
For: PROCESS FOR DETERMINING THE STATUS OF AN ORGANISM BY PEPTIDE MEASURMENT

DECISION ON PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, mailed August 25, 2004 for failure to pay the required issue fee in response to the Notice of Allowance, dated March 24, 2004. Applicants assert that the Notice was not received, since it was mailed to the incorrect address.(Note that attached hereto the petition is payment of the issue fee dated September 09, 2004)

DECISION

Since petitioner asserts that the Notice of Allowance was incorrectly mailed by the USPTO, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit.

The initially filed papers in the present case indicate that the proper address is to 20 North Wacker Drive, Chicago, IL. The Notice of Allowance was mailed to 201 North Wacker Drive, Chicago, IL.(Note the correspondence address has been changed within PTO records.) In addition petitioner submitted as evidence a copy of the appellant's docket report where the paper would have been entered had it been received as well as an affirmative statement that a search of the file jacket has been made and the paper has not been found.

Therefore, the Notice of Abandonment dated August 25, 2004 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned for processing of the issue fee.

The Petition is **GRANTED**.

JNStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Dolores T. Kenney
Olson & Hierl, LTD.
20 North Wacker Drive
36th Floor
Chicago, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: JUN 16 2004

rvk
Paper Number: #28

In re application of
Hugh Craig

Serial No. 09/242,388
Filed: February 16, 1999
For: PRINTABLE COMPOSITIONS AND THEIR APPLICATION TO DIELECTRIC SURFACES USED IN THE MANUFACTURE OF PRINTED CIRCUIT BOARDS

DECISION ON PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a) (No Fee), filed December 01, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 25, 2003 for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed April 22, 2003, be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed April 22, 2003 were mailed to the former attorney of record and were not timely forwarded to applicant.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the instant application file indicates that the applicant filed a Patent Application Declaration and Power of Attorney With Revocation of Former Power of Attorney with change of correspondence address on January 28, 2003 (Paper No. 23), and the USPTO records have not been updated to include the current address of the attorney. As a result, the Notice of Allowability and Notice of

Allowance and Issue Fee Due mailed April 23, 2003 were mailed to the former attorney of record.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correct correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

JMStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

FUESS & DAVIDENAS
ATTORNEYS AT LAW
10951 SORRENTO VALLEY ROAD, SUITE II-G
SAN DIEGO, CALIFORNIA 92121-1613

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

WILLIAM S. FROMMER
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE
NEW YORK, NY 10151

COPY MAILED

FEB 20 2007

OFFICE OF PETITIONS

In re Application of :
Peter Shintani :
Application No. 09/242,485 : ON PETITION
Filed: November 15, 1999 :
Attorney Docket No. 450108-4474

This is a decision on the petition, filed February 12, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 8, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2623 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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

JUL 23 2004

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:
Paul Jarrett et al	:
Serial No.: 09/242,843	: PETITION DECISION
Filed: November 18, 1999	:
Attorney Docket No.: 0380-P01838	:

This is in response to the petition under 37 CFR 1.181, filed February 25, 2004, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants (subsequent to the filing of RCE papers on February 19, 2003) on May 6, 2003, setting a three month shortened statutory period for reply. The Office action included PTO FORM 948 requiring submission of new drawings. In reply applicants requested that submission of new drawings be deferred until issuance of a Notice of Allowance. In view of a change in Office procedures which occurred in November, 2000, deferment of submission of new drawings was no longer permitted. In view of this the examiner mailed a Notice of Abandonment to applicants on January 15, 2004.

As applicants point out, this application is the National phase filing under 35 U.S.C. 371 of an international application. As such, the drawings filed with and published in the international application are considered acceptable in the Notional phase application. Thus no requirement for new drawings should have been made. Further, the Form 948 was prepared in February, 2000, and states on the back thereof with regard to timing of the submission of new drawings that submission of new drawings may be deferred until allowable subject matter is indicated or a Notice of Allowability is mailed. These statements are contradictory to the changes effective November, 2000. Nor was this statement corrected by the examiner in the Office action.

The draftsperson's objections to the drawings have been reviewed, but are not seen to pertinent to drawings filed in National phase applications. Therefore, the objections are withdrawn and no requirement for new drawings is made. In view of the withdrawal of the requirement the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.

Jasemine C. Chambers
Director, Technology Center 1600

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

Date :December 11, 2009

Patent No. :6355861
Inventor :Terry L. Thomas
Issued :March 12, 2002
Title :PRODUCTION OF GAMMA LINOLENIC ACID BY A Δ6-DESATURASE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Inspection of the application for the patent reveals that in connection with Title Page, Item (60) continuing data correction request; the amendment requested is not warranted entry given the Serial No. 08/366799 did not have a claim to priority in the subject case Serial No. 08/934254. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 and 323 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

A Green

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Ste 300
Garden City, NY 11530

/arg

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 Patent No. 6484475
Issue Date: November 26,2002
Application No. 09243170
Filed: February 2,1999
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 24,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 24,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Approved for use through 04/30/2009. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,484,475	2002-11-26	09/243,170	1999-02-02	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
◯ 3 ½ year	(1551)	◯ 3 ½ year	(2551)
◯ 7 ½ year	(1552)	◯ 7 ½ year	(2552)
◯ 11 ½ year	(1553)	◯ 11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◯ An attorney or agent registered to practice before the Patent and Trademark Office

◯ A sole patentee

◯ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

◯ A joint patentee; all of whom are signing this e-petition

◯ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/R. Christian Macke/	Date (YYYY-MM-DD)	2007-05-24
Name	R. Christian Macke	Registration Number	37667

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

Pet. Dec.

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

dss

Mailed: JUL 14 2005

Paper Number

In re application of
Debasish Mukhopahyay
Serial No.09/243,237
Filed: February 02, 1999
For: HIGH PURITY WATER PRODUCED BY REVERSE OSMOSIS

DECISION ON PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a), filed February 15, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed on February 10, 2005, for failure to timely file a proper reply to the Office letter mailed October 23, 2003(It is noted that Applicant is correct in that the action was mailed October23, 2003 contrary to the Notice of Abandonment wherein the date was incorrectly stated as October 23, 2002) be withdrawn since applicants did timely file a Reply Brief and Request for Oral Hearing as indicated in the Express Mail Label, and further evidenced by a copy of the Return Postcard identifying the papers filed (all sent via Express Mail Label No. EVR726555956US), and showing the USPTO receipt stamp dated December 22, 2003. (A copy of the reply is attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on December 22, 2003 as evidenced by the Express Mail Label and stamped Return Postcard. A review of the PTO's financial records also indicate a fee was charged for the Request for Oral Hearing on December 22, 2003 and as evidenced by the copy of cancelled check #5008. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed October 23, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed on December 22, 2003 as indicated by applicant.

The Petition is **GRANTED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

R. Reams Goodloe, Jr.
24722 104th Avenue, S.E.
Suite 102
Kent, WA 98030-5322

SPE: T. Zalukaeva

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/31/07

Paper No.: _____

TO SPE OF : ART UNIT 3761

SUBJECT : Request for Certificate of Correction on Patent No.: 6390091

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

SPE — 3761 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,390,091 B1

APPLICATION NO.: 09/243,258

DATE of issue : May 21, 2002

INVENTORS : Michael J. Banner, Paul B. Blanch, Johannes H. van Oostrom, Richard J. Melker

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 2,
Line 6, "mid-960s" should read --mid 1960s--.

Column 21,
Line 16, "Vao(t): the flow rate" should read --$\dot{V}$ao(t): the flow rate--.
Line 60, "$Pmus_{avg}$(t) determined over" should read --$Pmus_{avgN}$(t) determined over--.

Column 22,
Line 13, "flow rate (V)" should read --flow rate ($\dot{V}$)--.
Line 34, "(V): the flow rate" should read --($\dot{V}$): the flow rate--.
Line 50, "Rrs=(PIP-Pplat)/V" should read --Rrs=(PIP-Pplat)/($\dot{V}$)--.

Column 23,
Line 24, "Pi=(1/Crs)Vi+RrsVi" should read --Pi=(1/Crs)Vi+Rrs$\dot{V}$i--.
Line 30, "Vi is the ith flow" should read --$\dot{V}$i is the ith flow--.

MAILING ADDRESS OF SENDER:
Saliwanchik, Lloyd & Saliwanchik
P.O. Box 142950
Gainesville, FL 32614-2950

JUL 10 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,390,091 B1

APPLICATION NO.: 09/243,258

DATED : May 21, 2002

INVENTORS : Michael J. Banner, Paul B. Blanch, Johannes H. van Oostrom, Richard J. Melker

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 23,

Lines 51-52, "$Rrs=[(\Sigma V^2 \Sigma P \dot{V})-(\Sigma PV \Sigma V \dot{V})]/[(\Sigma V^2 \Sigma \dot{V}^2)-(\Sigma V \dot{V})^2]$"

should read --$Rrs=[(\Sigma V^2 \Sigma P \dot{V})-(\Sigma PV \Sigma V \dot{V})]/[(\Sigma V^2 \Sigma \dot{V}^2)-(\Sigma V \dot{V})^2]$; and--.

Line 59, "V is the flow sample" should read --$\dot{V}$ is the flow sample--.

Column 24,

Line 15, "$Rrs=[(\Sigma PV-\Sigma V^2)/Crs]/\Sigma VV$" should read --$Rrs=[(\Sigma PV-\Sigma V^2)/Crs]/\Sigma V\dot{V}$--.

Column 25,

Line 35, "Vao(t): the flow rate" should read --$\dot{V}$ao(t): the flow rate--.

Column 26,

Line 16, "a=0.075;" should read --a= -0.075;--.

MAILING ADDRESS OF SENDER:
Saliwanchik, Lloyd & Saliwanchik
P.O. Box 142950
Gainesville, FL 32614-2950

JUL 10 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,390,091 B1 Page 3 of 3

APPLICATION NO.: 09/243,258

DATED : May 21, 2002

INVENTORS : Michael J. Banner, Paul B. Blanch, Johannes H. van Oostrom, Richard J. Melker

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 28,
Line 5, "or or the" should read --or other--.

Column 32,
Line 63, "one or ignore" should read --one or more--.

Column 39,
Line 35, "WOB - $0.075+0.1(Pmus_{avgN}(t))+0.004(Pmus_{avgN}(t))^2$"
should read --WOB = $-0.075+0.1(Pmus_{avgN}(t))+0.004(Pmus_{avgN}(t))^2$--.

MAILING ADDRESS OF SENDER:
Saliwanchik, Lloyd & Saliwanchik
P.O. Box 142950
Gainesville, FL 32614-2950

JUL 10 2007

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

MOSER PATTERSON & SHERIDAN
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

COPY MAILED

MAY 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Helena G. Koay :
Application No. 09/243,269 : ON PETITION
Filed: February 3, 1999 :
Attorney Docket No. L0012/7006 :

This is a decision on the petition under 37 CFR 1.137(b), to revive the above-identified application and on the petition under 37 CFR 1.313(a), filed April 18, 2005.[1]

The petition under 37 CFR 1.137(b) is **DISMISSED**.

The petition under 37 CFR 1.313(a) is **DISMISSED** AS MOOT.

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 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed December 17, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 18, 2005.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or

---

[1] Petitions to withdraw an application from issue prior to payment of the issue fee are properly within the jurisdiction of the Technology Center. However, in view of the abandoned status of this application and in order to expedite matters herein, this matter will be handled by the Office of Petitions.

patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

The above-identified application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(III)(A)(1).

Since petitioner has failed to submit the reply required by l37 CFR 1.137(b)(1), the petition must be dismissed.

DISCUSSION OF PETITION UNDER 37 CFR 1.313(a)

37 CFR 1.313(a) states, in-part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

In the instant case, the issue fee in reply to the Notice of Allowance of December 17, 2004 has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of the request for continued examiner (RCE) will effectively withdraw an application from issue prior to payment of the issue fee. In view of thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

In view of the above and since the petition under 37 CFR 1.313(a) and RCE are improper and will not be processed, no fees have been charged.

Pursuant to petitioner's authorization, Deposit Account No. 20-0782 was charged $1,500.00 for the petition to revive an unintentionally abandoned application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

MOSER PATTERSON & SHERIDAN
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

COPY MAILED
JUN 24 2005
OFFICE OF PETITIONS

In re Application of :
Helena G. Koay :
Application No. 09/243,269 : ON PETITION
Filed: February 3, 1999 :
Attorney Docket No. L0012/7006 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 11, 2005, to revive the above-identified application and to reconsider the petition under 37 CFR 1.313(a).[1]

The petition are **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 11, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[2]

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2663 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] Petitioner under 37 CFR 1.313(a) is being treated under 37 CFR 1.313(c)(2).

[2] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

March 8, 2002

Richard E. Fichter
Bacon & Thomas
625 Slaters Lane – 4th Fl.
Alexandria, Va 22314

In re application of:
LO et al DECISION ON PETITION
Serial No.: 09/243,433
Filed: February 3, 1999

For: MANUFACTURING METHOD FOR MAKING TUNGSTEN-PLUG IN AN INTEGRATED CIRCUIT DEVICE WITHOUT VOLCANO PHENOMENA

This is a decision on the petition received November 8, 2001, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed March 3, 1999. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned May 4, 1999. A notice of abandonment was mailed on October 10, 2001.

On November 8, 2001, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney responded to the Notice to File Missing Part on April 23, 1999.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Missing Parts of Application on April 23, 1999.

The petition is hereby GRANTED.

The application has been completed for release to Technology Center 2812.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie Day

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 7
MAIL

OCT 25 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ARENT FOX KINTER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, DC 20036-5339

In re Application of
Hirofumi Honda
Application No. 09/243,536
Filed: February 3, 1999
For: METHOD FOR INTERPOLATING BETWEEN SCANNING LINES OF A VIDEO SIGNAL

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is in response to the petition filed August 9, 2002, to withdraw the holding of abandonment of the above-identified application.

This application is in an abandoned status for failure to respond to the non-final Office action mailed October 31, 2001. A Notice of Abandonment was mailed on July 29, 2002.

Petitioner asserts that the Office action was not received at petitioner's new address of record. Petitioner states that applicant's attorneys relocated to a new address on March 6, 2000 and that a change of address was filed on June 3, 2002 (seven months after the mailing of the Office action.) The filing of the change of address came more than two years form the firm's relocation date. The change of address has been received and entered into the record.

A review of the record indicates that the Office action was properly mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office action on the part of the United States Patent and Trademark Office.

Accordingly, the petition is **DENIED**.

Petitioner further states that it has been the practice of applicant's attorneys to file a change of address with the next paper to be filed in the Patent and Trademark Office. Applicant is reminded that any change of correspondence address should be filed promptly, see MPEP § 601.03.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. Petitioner may wish to consider filing a petition to revive an unintentionally abandoned application under 37 CFR§ 1.137(b) with the appropriate fee. The file is being forwarded to the files repository.

Joseph J. Rolla, Jr., Director
Technology Center 2600
Communications

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 10

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

COPY MAILED

DEC 2 7 2002

OFFICE OF PETITIONS

In re Application of
Hirofumi Honda
Application No. 09/243,536
Filed: February 3, 1999
Attorney Docket No. 107156-09003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 19, 2002, to revive the above-identified application.

The petition to revive this application is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1) above. It is noted that petitioner has submitted a petition under 37 CFR 1.182, as the proposed response. However, the petition is

---

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

not considered a proper response for the purpose of revival of this application. Further, the petition under 1.182 is dismissed as it is inappropriate in view of the decision by the Director mailed October 25, 2002.

Any request for reconsideration of the decision on the petition to revive 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. **Since petitioner alleges non-receipt of the papers mailed October 31, 2001, a complete copy of the Office action mailed October 31, 2001 is enclosed for petitioner's convenience.** In addition to the proposed response, the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Applicant is cautioned that a failure to respond will result in the application being returned to the files repository as an abandoned application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9220.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of non-final Office action mailed October 31, 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 13

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

COPY MAILED

APR 0 8 2003

OFFICE OF PETITIONS

In re Application of
Hirofumi Honda
Application No. 09/243,536
Filed: February 3, 1999
Attorney Docket No. 107156-09003

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application filed March 27, 2003.

The application became abandoned for failure to timely respond to a non-final Office action mailed October 31, 2001. A Notice of Abandonment was mailed July 29, 2002.

The petition, as supplemented, is **GRANTED**.

The application file is being forwarded to Technology Center AU 2614 for consideration of the amendment filed March 27, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9282. Inquiries relating to further prosecution should be directed to the Technology Center at (703) 306-0377.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

Mail Date: 04/21/2010

Applicant	: BERT A. LINDGREN	: DECISION ON REQUEST FOR
Patent Number	: 6154584	: RECALCULATION of PATENT
Issue Date	: 11/28/2000	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/243,764	: OF WYETH
Filed	: 02/03/1999	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,090,653	2000-07-18	09/243,916	1999-02-03	TWT01147/US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Brian M. McInnis/	Date (YYYY-MM-DD)	2009-05-22
Name	Brian M. McInnis	Registration Number	62583

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6090653
Issue Date: July 18,2000
Application No. 09243916
Filed: February 3,1999
Attorney Docket No. 72600093CPA

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed May 22,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 22,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6346953	2002-02-12	09243937	1999-02-04	MIC-130

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Scott S. Kokka/	Date (YYYY-MM-DD)	2010-02-26
Name	Scott S. Kokka	Registration Number	51893

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6346953
Issue Date: February 12,2002
Application No. 09243937
Filed: February 4,1999
Attorney Docket No. 37229/186694

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 26,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 26,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

MAIL

Paper No. 45

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N.W.
SUITE 800
WASHINGTON, DC 20006-1021

JUN 16 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Oshima, et. al. :
Application No. 09/244,037 :
Filed: February 4, 1999 :
Attorney Docket No. 169/MU-1296/ :

DECISION GRANTING
PETITION UNDER
37 CFR §1.183

This is a decision on the June 3, 2004, "Petition Under 37 CFR 1.183 to Accept Substitute Specification in Reissue Application" requesting waiver of the 37 CFR 1.125(d) prohibition against the filing of a substitute specification in a reissue application. The petition is being treated pursuant to 37 CFR 1.183 for waiver of 37 CFR 1.173(a)(1) in addition to waiver of 37 CFR 1.125(d).

The petition is before the Office of Patent Legal Administration of the United States Patent and Trademark Office.

The petition is granted.

A fee of $130.00 has been charged to Deposit Account No. 23-0975 for the petition under 37 CFR 1.183, as authorized by the petition on page 1.

DECISION

37 CFR 1.125(d) prohibits the filing of a substitute specification in a reissue application, while the present petition requests entry of the substitute specification filed on September 29, 2003. Accordingly, this petition is being considered as a petition under 37 CFR 1.183 for a waiver of 37 CFR 1.125(d). 37 CFR 1.173(a)(1) requires the filing of the specification in the form of "a copy of the printed patent, in double column format, each page on only one side of a single sheet of paper." The substitute specification filed on September 29, 2003 is not a copy of the printed patent, in double column format. Accordingly, this petition is also being considered as a petition under 37 CFR 1.183 for a waiver of 37 CFR 1.173(a)(1).

The reissue application was originally filed with a specification that did not comply with 37 CFR 1.173(a)(1). On September 29, 2003, a substitute specification was filed together with a supplemental amendment. Within the "REMARKS" section of the supplemental amendment, applicant states: "In item 2 on page 2 of the Office Action," (i.e., referencing the Office action mailed on July 29, 2003) "the Examiner required a substitute specification. Thus, the present amendment seeks to amend the specification by replacing the specification with the enclosed

substitute specification." No further comments by the examiner, regarding the substitute specification, are noted in the application.

Petitioner is requesting waiver of the requirements of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1) based on the fact that "...the Examiner required a substitute specification because of the length of the specification and the number of amendments..". It is noted that within the Office action mailed July 29, 2003 and specifically within paragraph two, the examiner states "A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the extent of amendments renders it difficult to be entered."

This basis is considered to be sufficient for granting the petition. The rule will be waived to comply with the requirement of the examiner, since there is no other way to present the required substitute specification, and the requirement for the substitute specification by the examiner is deemed appropriate.

CONCLUSION

1. The request under 37 CFR 1.183 to waive the requirements of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1) is granted.

2. The substitute specification filed on June 30, 2003 is accepted, and will be entered.

3. The reissue application file is being forwarded to the Technology Center for further action as appropriate.

4. Telephone inquiries with regard to this decision should be directed to Dwayne D. Bost, TC2600 SPRE, at (703) 305-4778.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examining Policy

C:\kenpet5\09244037-183 waiver decision_sub_spec.doc

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

Page No. 50

WENDEROTH LIND & PONACK
2033 K STREET NW
SUITE 800
WASHINGTON, DC 20006

COPY MAILED

AUG 2 6 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Mitsuaki Oshima et al	:
Application No. 09/244,037	:
Filed: February 4, 1999	:
Attorney Docket No. 169/MU-1296/	:

This is a decision on the petition under 37 CFR 1.313(c), filed August 24, 2004, which is being treated under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Wan Laymon at (703) 306-5685.

Upon receipt of the file in the Office of Petition, the file will be forwarded to Technology Center AU 2634 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

Staas & Halsey, LLP
700 11th Street, NW
Suite 500
Washington, DC 20001

MAILED

FEB 21 2002

Technology Center 2100

In re Application of: Hironori Kanno et al.	)	
Application No.: 09/244,043	)	**DECISION ON PETITION**
Filed: February 4, 1999	)	**UNDER 37 C.F.R. § 1.181 TO**
For: SLIDE SHOW SYSTEM AND	)	**RESET PERIOD FOR REPLY**
METHOD USING A BROWSER	)	**DUE TO LATE RECEIPT**

This is a decision on the petition filed on February 1, 2002, requesting that the shortened statutory period for reply set forth in the Office communication mailed on December 31, 2001 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on January 29, 2002. The petition was filed within two weeks of receipt of the Office communication. Furthermore, the Office communication was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed.

However, because less than 1 month of a 3 month Shortened statutory period elapsed between mailing and receipt, a substantial portion of the set reply period had not elapsed on the date of receipt Accordingly, the petition is **DISMISSED.**

The application file is being forwarded to Central Files to await Applicant's response to the Office action of December 31, 2001.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Margaret A. Focarino

Margaret A. Focarino, Group Director
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
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.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,901,516

APPLICATION NO.: 09/244,203

ISSUE DATE : May 31, 2005

INVENTOR(S) : Brett Howard, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

1. Claim 1, column 8, line 37: Insert the word -- context -- after the word -- security --.

2. Claim 7, column 9, line 4: Replace the word -- in -- with the word -- an --.

3. Specification, column 4, line 4: Delete the word -- and --.

4. Specification, column 4, line 36: Insert the word -- a -- before the word -- packet --. first occurance P.C. 6/29/07

5. Specification, column 4, line 48: Insert the word -- the -- before the word -- data --. which occurrance

6. Specification, column 4, line 53: Replace the word -- secon -- with the word -- second --.

7. Specification, column 5, line 18: Insert the word -- buffer -- before the word -- memory -- and delete the word -- buffer -- after the word -- memory --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

McCarthy Tetrault LLP, Box 48, Suite 4700, 66 Wellington Street West, Toronto, Ontario, Canada M5K 1E6
(File Number 123081-339613)

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.14. This collection is estimated to take 1.0 hour 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. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

JAN 23 2007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 22

DATE : 5/19/07

TO SPE OF : ART UNIT 21E1

SUBJECT : Request for Certificate of Correction for Appl. No.: 09244203 Patent No.: 6901516

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Valerie Sachs
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: No change results to the scope of the claims, nor is any new matter added by the corrections

Paul Callahan 6-29-07

E. Moise
SPE

2137
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 22

COPY MAILED

AUG 2 3 2002

OFFICE OF PETITIONS

SHELLEY M BECKSTRAND
314 MAIN STREET
OWEGO NY 13827

In re Application of
Beach, et al.
Application No. 09/244,304
Filed: February 3, 1999
Attorney Docket No. END919980071US1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 29, 2002, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any further petition to revive the above-identified application 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 "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action, mailed August 30, 2001, which set an extendable three month period for reply. Applicants filed an amendment on December 31, 2001 (certificate of mailing date October 29, 2001) that failed to place the application in *prima facie* condition for allowance, as was stated in the January 11, 2002 Advisory Action. The Office received no further response. The Office deemed this application abandoned on December 1, 2001 and a Notice of Abandonment was mailed on May 29, 2002.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner 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 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (3).

Regarding (3), petitioners assert that the delay in responding to the August 30, 2001 final Office action was unavoidable because petitioners allegedly filed a reply by facsimile on January 30, 2002. It is noted that a review of the application file reveals that the Office has no record of receiving the January 30, 2002 facsimile.

Petitioners are advised that when the Office has no record of receiving a facsimile, a petitioner must prove that it was indeed filed. 37 CFR 1.8(b) requires that a petition be filed requesting that the correspondence be accorded a filing date as of the date the correspondence is shown to have been transmitted to and received in the Office.

The showing must include a copy of the previously transmitted correspondence with a certificate of transmission affixed thereto and a statement which attests on a personal knowledge basis to the previous timely transmission. If the correspondence was sent by facsimile, a copy of the sending unit's report confirming transmission may be used to support this statement. Furthermore, under 37 CFR 1.8(c), the Office may require additional evidence to determine if the

correspondence was timely filed.

Petitioners have not shown that the facsimile reply in question was transmitted on January 30, 2002. Even if petitioners eventually provided the required evidence to establish January 30, 2002 transmission, the examiner of record has reviewed the January 30, 2002 reply and has stated that it does not place the application in condition for allowance. Therefore, even if it were shown that the reply was timely filed, it was still an insufficient reply.

The request for a continued prosecution application (CPA) under 37 CFR 1.53(d) filed on May 29, 2002 is acknowledged. 37 CFR 1.53(d)(1) was amended to provide that the prior application of a CPA must be: (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, (2) a design application, or (3) the national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000. *See Changes to Application Examination and Provisional Application Practice*, final rule: 65 *Fed. Reg.* 50092 (August 16, 2000), 1238 *Off. Gaz. Pat. Office* 13 (September 5, 2000); interim rule: 65 *Fed. Reg.* 14865, 14872 (March 20, 2000), 1233 *Off. Gaz. Pat. Office* 47, 52 (April 11, 2000). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the improper request for a CPA is being treated as a request for continued examination (RCE) of this application under 37 CFR 1.114. See *id.* at 14866, 1233 *Off. Gaz. Pat. Office* at 48. This will be considered petitioners' reply in any future reconsideration petition under 37 CFR 1.137(a) or petition under 37 CFR 1.137(b).

ALTERNATE VENUE

Petitioners are strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

For petitioner's convenience, a blank copy of the Petition for Revival of Application For Patent Abandoned Unintentionally under 37 CFR 1.137(b) is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions
E. Shirene Willis

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202
Attn: E. Shirene Willis

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

enclosure: blank copy of Petition for Revival of Application For Patent Abandoned Unintentionally under 37 CFR 1.137(b)

PTO/SB/64 (05-03)
Approved for use through 04/30/2003. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee $ _____(37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee of $_____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137. 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 1.14. This collection is estimated to take 1.0 hour 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. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____ for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: 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. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

_____ Date

_____ Signature

Telephone Number:_____

_____ Typed or printed name

_____ Address

_____ Address

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

_____ Date

_____ Signature

_____ Type or printed name of person signing certificate

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

Paper No. 26

SHELLEY M BECKSTRAND
314 MAIN STREET
OWEGO NY 13827

COPY MAILED

MAY 27 2003

OFFICE OF PETITIONS

In re Application of
Beach, et al.
Application No. 09/244,304
Filed: February 3, 1999
Attorney Docket No. END919980071US1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2003 (certificate of mailing date May 14, 2003), to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action, mailed August 30, 2001, which set an extendable three month period for reply. Applicants filed an amendment on December 31, 2001 (certificate of mailing date October 29, 2001) that failed to place the application in *prima facie* condition for allowance, as was stated in the January 11, 2002 Advisory Action. The Office received no further response. The Office deemed this application abandoned on December 1, 2001 and a Notice of Abandonment was mailed on May 29, 2002.

Petitioners have submitted the petition fee, an acceptable statement of the unintentional nature of the delay in responding to the August 30, 2001 final Office action, and a reply to the August 30, 2001 final Office action. Petitioners' reply is an improper CPA, filed May 29, 2002, which will be treated as a proper RCE with required submission (the amendment filed May 29, 2000).

Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

After this decision is mailed, the application file will be returned to Technology Center 3600 for entry of the RCE and amendment, filed May 29, 2002, and continued examination.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
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

In re Patent No. 6257579
Issue Date: July 10,2001
Application No. 09244379
Filed: February 4,1999
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed December 5,2006 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 5,2006 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6257579	2001-07-10	09244379	1999-02-04	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Michael J. Horan/	Date (YYYY-MM-DD)	2006-12-05
Name	Michael J. Horan		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6220596
Issue Date: April 24,2001
Application No. 09244380
Filed: February 4,1999
Attorney Docket No. 60042-3

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed December 5,2006 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 5,2006 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6220596	2001-04-24	09244380	1999-02-04	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Michael J. Horan/	Date (YYYY-MM-DD)	2006-12-05
Name	Michael J. Horan		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6289872	2001-09-18	09244603	1999-02-04	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Rick B. Yeager/	Date (YYYY-MM-DD)	2007-09-10
Name	Rick B. Yeager, Attorney	Registration Number	39434

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6289872
Issue Date: September 18,2001
Application No. 09244603
Filed: February 4,1999
Attorney Docket No.

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed September 10,2007,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 10,2007. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6289872	2001-09-18	09244603	1999-02-04	RSE

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Rick B. Yeager/	Date (YYYY-MM-DD)	2010-02-25
Name	Rick B. Yeager, Attorney	Registration Number	39434

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6289872
Issue Date: September 18,2001
Application No. 09244603
Filed: February 4,1999
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 25,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 25,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

COPY MAILED

FEB 22 2005

OFFICE OF PETITIONS

In re Application of	:	
Aldo T. Iacono	:	
Application No. 09/244,792	:	ON PETITION
Filed: February 5, 1999	:	
Attorney Docket No. P32130	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2004, to revive the above-identified application.

The petition is **GRANTED.**

A Notice of Non-Compliance was mailed on February 9, 2004. The Notice indicated that the Amendment filed January 20, 2004 was considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, June 30, 2003). Petitioner was given a time period of one (1) month or thirty (30) days from the mailing date of the notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. Accordingly, the application became abandoned on March 10, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being referred to Technology Center 1600, Art Unit 1617 for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6053683	2000-04-25	09244946	1999-02-04	CAB-01

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/Michel Lewis Cabiran/	Date (YYYY-MM-DD)	2008-07-01
Name	Michel Lewis Cabiran		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6053683
Issue Date: April 25,2000
Application No. 09244946
Filed: February 4,1999
Attorney Docket No. CAB-01

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 2,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 2,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FLEHR HOHBACH TEST ALBRITTON & HERBERT
ROBIN M SILVA
SUITE 3400 FOUR EMBARCADERO CENTER
SAN FRANCISCO CA 94111-4187

COPY MAILED

SEP 22 2004

OFFICE OF PETITIONS

In re Application of	:	
Bamdad et al.	:	
Application No. 09/245,105	:	ON PETITION
Filed: January 27, 1999	:	
Attorney Docket No. A-67652/RFT/	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply within the meaning of 37 CFR 1.113 to the final Office Action of March 5, 2004, within the time period for reply. A two (2) month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application was August 6, 2004. A Notice of Abandonment was mailed on September 15, 2004. Although petitioners filed a timely amendment on August 9, 2004 (certificate of mailing dated August 4, 2004), it did not *prima facie* place the application in condition for allowance. Therefore, the amendment was not entered and made of record.

The Notice of Appeal filed September 13, 2004, has been entered and made of record. Accordingly, the two (2) month period for filing the appeal brief, in triplicate, accompanied by the requisite fee, runs from the date of this decision.

This matter is being referred to Technology Center Art Unit 1631 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 15

COPY MAILED

JUL 03 2001

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

ON PETITION

LISA A HAILE
GRAY CARY WARE & FREIDENRICH LLP
SUITE 1600
4365 EXECUTIVE DRIVE
SAN DIEGO , CA 92121-2189

In re Application of
Worley et al.
Application No. 09/245,277
Filed: February 5, 1999
Attorney Docket No. 10496/005001

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 2, 2000, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 3, 2000. A Notice of Abandonment was mailed on April 13, 2001.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an election, paid the petition fee, and made the proper statement of unintentional delay.

The application file is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this decision may be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Nancy Johnson for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6143047	2000-11-07	09245548	1999-02-05	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Nicholas T. Peters/	Date (YYYY-MM-DD)	2008-12-09
Name	Nicholas T. Peters	Registration Number	53456

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6143047
Issue Date: November 7,2000
Application No. 09245548
Filed: February 5,1999
Attorney Docket No. 7A-CIP(985-3

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed December 9,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 9,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

Paper No.

BRUCE S SHAPIRO -TW99
THE BLACK & DECKER CORPORATION
PATENT DEPARTMENT
701 EAST JOPPA RD
TOWSON MD 21286

COPY MAILED

MAR 2 8 2008

OFFICE OF PETITIONS

In re Patent of	:	
Robson et al.	:	
Patent No. 6641467	:	
Issue Date: 11/04/2003	:	
Application No. 09/245663	:	
Filing or 371(c) Date: 02/08/1999	:	ON PETITION
Title of Invention:	:	
POWER TOOL	:	

This is a decision on the renewed petition under 37 CFR § 1.378(c), filed January 3, 2008, to reinstate the above-identified patent.

The petition is **GRANTED**.

The patent issued November 4, 2003. The grace period for paying the three and one-half (3½) year maintenance fee expired on November 4, 2007. Therefore, since this petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

The file is being forwarded to the files repository.

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

Derek L. Woods
Attorney
Office of Petitions

RECEIVED
CENTRAL FAX CENTER
JAN 03 2008

PTO/SB/88 (10-05)
Approved for use through 04/30/2009. OMB 0651-0018
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.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Docket Number (Optional) CS1054

RECEIVED
JAN 10 2008
OFFICE OF PETITIONS

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,641,467 Application Number 09/245,663

Issue Date November 4, 2003 Filing Date February 8, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

☐ is a reissue of original Patent No. _____, original issue date _____; original application number _____, original filing date _____.

☒ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application 9802587 filed on February 7, 1998.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Jan. 3, 2008
Date

Charlene Clark Dorsey
Signature

Charlene Clark Dorsey
Typed or printed name of person signing Certificate

03/28/2008 CKHLOK 00000012 022548 6641467
01 FC:1462 400.00 DA
02 FC:1551 930.00 DA

01/07/2008 MBLANCO 00000019 022548 6641467
01 FC:1599 2570.00 DA

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Adjustment date: 03/28/2008 CKHLOK
01/07/2008 MBLANCO 00000019 022548 6641467
01 FC:1599 2570.00 CR

RECEIVED
CENTRAL FAX CENTER
JAN 03 2008

RECEIVED
JAN 10 2008
OFFICE OF PETITIONS

PTO/SB/66 (10-05)
Approved for use through 04/30/2009. OMB 0651-0016
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

7. OVERPAYMENT

As to any overpayment made please

[X] Credit to Deposit Account No. 02-2548

OR

[ ] Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Bruce S Shapiro — 1-3-08
Signature(s) of Petitioner(s) — Date

Bruce S. Shapiro — 33,120
Typed or printed name(s) — Registration Number, if applicable

410-716-3242
Telephone Number

The Black & Decker Corporation, Patent Department -TW199
Address

701 East Joppa Road, Towson, Maryland 21286
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

[ ] Maintenance Fee payment

[ ] Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

[ ] _____

PAGE 4/4 * RCVD AT 1/3/2008 2:02:15 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/33 * DNIS:2738300 * CSID:410 716 2610 * DURATION (mm-ss):01-02

DEC 18 2000

UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR
OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE
Washington, D.C. 20231

#6
DW

MAILED
DEC 18 2000
Office of the Director
Group 3600

Evenson, McKeown, Edwards & Lenahan
1200 G Street, N.W., Suite 700
Washington, D.C. 20005

In re Application of	:	
Bunichi Shoji	:	DECISION ON PETITION
Application No. 09/245,720	:	TO WITHDRAW THE
Filed: February 8, 1999	:	HOLDING OF ABANDONMENT
Attorney Docket No.: 1892/47565	:	
For: TRUSS STRUCTURE, STRUCTURAL	:	
MEMBERS THEREOF, AND A	:	
METHOD OF MANUFACTURE	:	
THEREFORE	:	

This is in response to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO) on November 13, 2000.

The petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned for failure to respond to the Office letter dated April 16, 2000, within the Shortened Statutory Period of one month set therein.

Applicant has submitted a copy of a response, which includes a copy of a post card identifying the Amendment and which includes a USPTO Mail Room receipt date of May 5, 2000. This is acceptable evidence of a timely response.

Since a timely response to the Office letter was filed, the holding of abandonment is withdrawn and the application is restored to pending status. The application is being forwarded via the Supervisory Legal Instruments Examiner to the Primary Examiner for prompt action on the merits of the claims.

Al Lawrence Smith, Jr., Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No. (703) 306-4597

MJ:RR:12/4/00

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
FROM DIRECTOR'S OFFICE
JUL 18 2006
TECHNOLOGY CENTER 3600

James McKeown
Crowell & Morning LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

In re Application of Bunichi Shoji Application No. 09/245,720 Filed: February 8, 1999 For: A Truss Structure, Structural Members Thereof, And a Method of Manufacture Thereof	DECISION ON PETITION UNDER 37 CFR §1.181

This is a decision on applicant's Petition To Withdraw Notice of Abandonment, filed on January 24, 2006.

The petition is **GRANTED.**

Petitioner asserts that the abandonment of the instant application through failure to properly meet the drawing requirements noted in the Ex parte Quayle action mailed October 18, 2004 was improper.

A review of the file shows that an Office action mailed October 18, 2004 indicated that all pending claims were allowed but the drawings were objected to. The prosecution history shows that applicant made several attempts to comply with the drawing correction request but none were acceptable and the application was ultimately held abandoned.

Applicant indicates that a divisional application issued as a patent (6,604,401) without any noted drawing problems. It should be noted that this patent issued with claims to a die and method whereas the instant application has claims drawn to a truss structure. Therefore, the relevant drawings needed to understand the truss structure would not be the drawings showing the die structure.

Applicant argues that the Office has not shown where the missing subject matter is actually claimed subject matter. The claims are drawn to a truss structure with upper, lower and diagonal chord members. The claims further define the joint structure between these elements. The drawing objection as set forth in the Office action of October 18, 2004 specifically stated that figures 1 and 2 show a schematic of the truss structure, in other words they show the basic upper, lower and diagonal truss members and figures 3 and 6-8 show details of the joints. Therefore it is rather clear that the missing interconnection details are claimed subject matter.

Applicant argues that the structure is of a simple nature and one of ordinary skill in the art can understand the invention. Figures 1 and 2 show the basic truss layout, perhaps better seen in figure 2 where there are upper chord members (2), lower chord members (1) and diagonals (3). Cross plates (4) are also shown and it is assumed these are some sort of junction plate. This configuration is old and easily understood. Figures 3 and 6-8 apparently show applicant's joint structure in detail. Herein lies the problem. There is no way to relate the joint structure shown in figures 3 and 6-8 to the general truss structure. The specification indicates (10) is a connection part of the chord member. Elements 15 and 16 are listed as "parent plates" but it is not known where these plates are oriented in terms of cross plate (4) or any of the upper, lower or diagonal chords. One of ordinary skill in the art is left with a truss schematic, details of a specific joint of "a chord" to "parent plates' and no indication of how this has anything to do with diagonal chords meeting upper or lower chords. The original examiner could not ascertain this when she first raised this point and a second examiner who was subsequently assigned to the application and his supervisor could not ascertain this when the drawing objection was again raised. The allowable subject matter did not deal directly with the missing relationship which is why the claims were indicated as allowable.

However, a review of the responses from applicant reveals that applicant made a good faith effort to comply with the drawing requirements of the examiner as they were set forth in the various office actions. In the Office action mailed October 18, 2004, the examiner objected to the drawings because there were no drawing figures that tied the details of figures 3 and 6-8 to the schematic and that there were no common reference numbers between the two sets of drawings. In the response filed December 20, 2004, applicant proposed to amend the drawings to provide common reference numbers in 3,4,6 and 8. Thus it would appear that applicant satisfied the examiner's requirement. However, the examiner made new complaints in the Notice of Non-Compliant Amendment mailed July 5, 2005 wherein the drawings were held as not properly identified as "Replacement Sheet" and the "circles" markup on figure 8(a,b) were questioned. Applicant responded to this Notice on July 28, 2005 wherein the

"Replacement Sheet" identifier was supplied and an explanation of the circles were offered. Thus, it would again appear that applicant fully responded to the examiner's requirements. However, an Office letter was mailed October 17, 2005 wherein the examiner repeated the original complaint that there were no drawing figure which ties the details of figures 1-2 with the details of figures 3 and 6-8. The period for response was not reset and continued to run from the Notice mailed July 5, 2005. Applicant responded again on November 2, 2005 and attempted to explain the circles complained of. The examiner held the application abandoned in the Notice of Abandonment mailed January 13, 2006 wherein it was maintained that the detailed relations of figures 1,2 with figures 3 and 6-8 were still not provided.

Based on the chronology discussed above, it appears that applicant responded to the examiner's objections as best he could. If the response was inadequate, the examiner should have explained in detail why the response did not overcome the objection rather than merely repeating the objection. The holding of abandonment is therefore withdrawn.

The petition to withdraw abandonment is **GRANTED.**

If the examiner is of the opinion that drawing objections should be maintained, he should explain the objection in detail and explain why the responses from applicant do not overcome the objections.

Alternatively, if the examiner's concern over a lack of proper disclosure is one that should be addressed under 35 USC 112 rather than drawing objections, then such a rejection should be made.

The application is being returned to the examiner for further action on the merits.

Wynn Coggins
Patent Technology Center 3600
Telephone No.: (571) 272-5350
CF 7/5/06

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

FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO CA 92138-0278

COPY MAILED

NOV 0 8 2005

OFFICE OF PETITIONS

In re Patent No. 6,138,245 :
Issue Date: October 24, 2000 :
Application No. 09/245,823 : DECISION ON PETITION
Filed: February 5, 1999 :
Attorney Docket No. 040658-0601 :
For: SYSTEM AND METHOD FOR
AUTOMATIC DEVICE SYNCHRONIZATION

This is a decision on the petition, filed April 27, 2005 and supplemented on June 16, 2005, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3 ½ year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued October 24, 2000. The grace period for paying the 3 ½ year maintenance fee expired at midnight on October 24, 2004. Therefore, since this petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

The statement of unintentional delay was signed by a person who may not have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that the signer of the petition has no knowledge that the delay was in fact unintentional, he should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If he discovers that the delay was intentional, he must so notify the Office.

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Office records have been changed to show that petitioner is now large entity.

This file is being forwarded to Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
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

In re Patent No. 6069472
Issue Date: May 30,2000
Application No. 09246030
Filed: February 5,1999
Attorney Docket No. 18462-2-1US

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed January 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 28,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,069,472	2000-05-30	09246030	1999-02-05	018462-000210US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/philip h. albert/	Date (YYYY-MM-DD)	2009-01-28
Name	Philip H. Albert	Registration Number	35819

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6193196
Issue Date: February 27,2001
Application No. 09246031
Filed: February 5,1999
Attorney Docket No. ERGD100101

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed February 6,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 6,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6193196	2001-02-27	09/246,031	1999-02-05	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/William P. Hesley/	Date (YYYY-MM-DD)	2007-02-06
Name	William P. Hesley		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN TX 78716-4075

COPY MAILED
MAR 2 0 2006
OFFICE OF PETITIONS

In re Application of :
McCormick, et al. :
Application No. 09/246,612 :
Filed: February 8, 1999 :
Attorney Docket No. 1400.9801020 :
For: METHOD AND APPARTUS FOR PROCESSING CALL SIGNALING MESSAGES

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed August 30, 1999 (certificate of mailing date August 25, 1999).

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 8, 1999 without an executed oath or declaration. On February 25, 1999, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed. This Notice required petitioners to file an executed declaration, filing fees, and a surcharge for their late filing within two months of the mail date of the Notice.

In response to the Notice, petitioners filed a petition for a four month extension of time and required fee, a declaration signed by 4 of 5 joint inventors, filing fees, the surcharge, the instant Rule 47 petition and required petition fee. The petition explains that the non-signing inventor, David Furshpan, was mailed the application papers and a declaration/power of attorney for his signature on May 28, 1999. On June 23, 1999, Mr. Furshpan said he would return an executed declaration, but still has not done so.

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,

(2) a proper oath or Declaration executed by the available joint inventor(s),

(3) the petition fee, and

(4) the last known address of the omitted inventor(s).

This petition lacks items (2) and 4) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration does not contain required information for Mr. Furshpan. His residence, post office address and citizenship are missing. As listing each inventor's citizenship in the declaration is a statutory requirement under 35 U.S.C. 115, it cannot be waived.

The signing inventors must execute another declaration that lists the application serial number and filing date, contains the signers' own information, and lists the non-signer's information, including citizenship. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventors is REQUIRED. See MPEP 409.03(a).

As to item (4), a statement of the last known address of the omitted inventor is missing and is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
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

ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN TX 78716-4075

COPY MAILED

JUN 17 2008

In re Application of :
McCormick, et al. :
Application No. 09/246,612 : ON PETITION
Filed: February 8, 1999 :
Attorney Docket No. 1400.9801020 :
For: METHOD AND APPARTUS FOR PROCESSING CALL SIGNALING MESSAGES

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed October 27, 2006.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. Applicants have submitted a declaration containing complete information for all joint inventors. However, the declaration is not signed. An unexecuted declaration is not acceptable. Given the specific facts surrounding this situation, the

inventors, signed by at least one joint inventor or an empowered representative the assignee of interest of all inventors who executed the declaration. An attorney may sign on behalf of the assignee of interest of all inventors who executed the declaration. An assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis 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

ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN TX 78716-4075

COPY MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of
McCormick, et al.
Application No. 09/246,612
Filed: February 8, 1999
Attorney Docket No. 1400.9801020
For: METHOD AND APPARTUS FOR PROCESSING CALL SIGNALING MESSAGES

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed October 22, 2008 (certificate of mailing date October 17, 2008). In addition, this decision addresses the petition for withdrawal of the holding of abandonment under 37 CFR 1.181, filed October 22, 2008 (certificate of mailing date October 17, 2008), and the petition under 37 CFF 1.137(b), which was filed in the alternative in the same document.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Applicants have shown that the non-signing inventor, David Furshpan, has refused to join in the filing of the above-identified application after having been presented with the application papers. Applicants have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This petition under 37 CFR 1.47(a) is **granted** and the application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), 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.

A Notice of Abandonment was mailed on September 2, 2008 because applicants did not reply within two months of the mailing of the June 17, 2008 dismissal of applicants' Rule 47(a) petition.

Applicants request withdrawal of the holding of abandonment based on the assertion that applicants had a two month extendable period of time measured from the mailing date of the June 17, 2008 dismissal to file a reconsideration petition and applicants filed a reconsideration petition on October 22, 2008 (certificate of mailing date October 17, 2008) along with a petition for a two month extension of time. Therefore, applicants contend that a reply was timely filed and the application is not abandoned in fact.

The Office concurs with applicants. The June 17, 2008 dismissal set a two month period for reply. The period was extendable under 37 CFR 1.136(a). A review of Office financial records reveals that a two month extension of time was charged on accounting date October 23, 2008. The certificate of mailing date on the petition for extension of time is October 17, 2008. Thus, a proper reply to the June 17, 2008 dismissal was filed within the extendable period for reply.

The petition under 37 CFR 1.181 is **granted**. The petition under 37 CFR 1.137(b) is unnecessary and **dismissed as moot**.

After the mailing of this decision, the application will be forwarded to Technology Center Art Unit 2195 for the re-mailing of a Notice of Allowance and Fee(s) Due with a new period set for reply.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis 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

DAVID FURSHPAN
SOKOLOV 9 APT. #26
KFAR SABA, 44256
ISRAEL

COPY MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of :
McCormick, et al. :
Application No. 09/246,612 : LETTER
Filed: February 8, 1999 :
Attorney Docket No. 1400.9801020 :
For: METHOD AND APPARTUS FOR PROCESSING CALL SIGNALING MESSAGES

Dear Mr. Furshpan:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: ROSS D. SNYDER & ASSOCIATES, INC.
PO BOX 164075
AUSTIN TX 78716-4075

OIPE IAP10
OCT 2 2 2008
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James S. McCormick, et al.

Title: METHOD AND APPARATUS FOR PROCESSING CALL SIGNALING MESSAGES

Adjustment date: 02/27/2009 CKHLOK
10/22/2008 MBLANCO 00000006 09246612
01 FC:1252 -490.00 OP

App. No.: 09/246,612 Filed: 02-08-1999

Examiner: Tang, Kenneth Group Art Unit: 2195

Atty. Dkt. No. 1400.9801020

02/27/2009 CKHLOK 00000016 09246612
01 FC:1252 490.00 OP

Mail Stop PETITION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a) OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Dear Sir:

The Office acknowledges a petition under 37 CFR 1.47(a) was filed August 30, 1999, noting a certificate of mailing date of August 25, 1999. On March 20, 2006, the Office mailed a copy of the decision on the petition, whereby the Office dismissed the petition. On October 20, 2006, mailed a request for reconsideration of petition under 37 CFR 1.47(a). On June 17, 2008, the Office mailed a copy of the decision on the request for reconsideration of petition, whereby the Office dismissed the petition. The decision states, "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."

On August 28, 2008, the Office mailed a Notice of Withdrawal from Issue under 37 CFR 1.313(b). On September 2, 2008, the Office mailed a Notice of Abandonment stating, "This application is abandoned in view of: Applicant's failure to timely file a proper reply to the Office letter mailed on 17 June 2008." However, as Applicant noted above, the Office letter mailed June 17, 2008, expressly stated that "Extensions of time under 37 CFR 1.136(a) are permitted." Applicant files

herewith a Request for Reconsideration of Petition under 37 CFR 1.47(a), including a Petition for Extension of Time under 37 CFR 1.136(a) and the corresponding extension fee. Thus, Applicant submits Applicant's response is timely, as expressly provided by the Office letter mailed June 17, 2008, and, therefore, Applicant submits the Notice of Abandonment is improper and respectfully requests the holding of abandonment be withdrawn.

Applicant notes MPEP § 711.03(c) states, in part, as follows:

> 37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181 (f).

Applicant submits the present petition to withdraw the holding of abandonment is being filed within two months of the mail date of the notice of abandonment. Thus, Applicant submits the present petition may not be dismissed as untimely.

Applicant also notes MPEP § 711.03(c) states, in part, as follows:

> Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.

Thus, Applicant submits no fee is required for the present petition for withdrawal of holding of abandonment. However, the Director is hereby authorized to charge any fee pertaining to this communication, and to refund any overpayment, to Deposit Account No. 50-1566.

In the alternative, if the Office should hold that the abandonment was proper and that above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office, Applicant respectfully petitions for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b). In such an event, the date of abandonment would the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. In such an event, APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional as set forth under 37 C.F.R. §

1.137(b)(3). The Director is hereby authorized to charge any fee pertaining to this communication, and to refund any overpayment, to Deposit Account No. 50-1566.

Respectfully submitted,

10/17/2008
Date

Ross D. Snyder, Reg. No. 37,730
Ross D. Snyder & Associates, Inc.
PO Box 164075
Austin, Texas 78716-4075
(512) 347-9223 (phone)
(512) 347-9224 (fax)

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

Paper No. 12

Banner & Witcoff, Ltd.
1001 G Street, NW - 11th Floor
Washington, DC 20001

COPY MAILED

AUG 25 2005

OFFICE OF PETITIONS

In re Patent No. 6,076,044	:	
Issue Date: June 13, 2000	:	
Application No. 09/246,784	:	ON PETITION
Filed: February 1, 1999	:	
Patentee(s) Anthony Brown	:	

This is a decision on the petition under 37 CFR 1.378(c), filed August 2, 2005, to accept the delayed payment of a maintenance fee for the above-identified patent. This is also a decision on the petition filed under 37 CFR 1.183, which is properly being treated as a petition under 37 CFR 1.182, to expedite the handling of the instant petition. Accordingly, the $400 petition fee has been charged to petitioner's deposit account, as authorized.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.378(c) is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(I)(2). This petition lacks item (1) above.

The record shows that LaCrosse Technologies, Ltd. was responsible for paying the maintenance fee for the above patent when the payment was due to avoid expiration. Therefore, petitioner must provide a statement from LaCrosse Technologies, Ltd. explaining why action was not timely taken to prevent the patent from becoming expired.

Petitioner is advised to send a letter (accompanied by a copy of this correspondence) to LaCrosse Technologies, Ltd. at 1116 South Oak Street, La Crescent Minnesota 55947, by certified or registered mail (return receipt requested) indicating that the Patent and Trademark Office is requesting assistance in ascertaining the cause of the expiration of the patent, and that the U. S. Patent and Trademark Office is requesting that LaCrosse Technologies, Ltd. provide within a specified period (*e.g.*, one month) a statement ascertaining that the delay in paying the maintenance fee was unintentional. Petitioner is advised that in the event that LaCrosse Technologies, Ltd. does not provide such a statement, petitioner should submit a copy of such letter and the return receipt. However, the submission of the letter and return receipt does not imply that the petition will be granted.

LaCrosse Technologies, Ltd. was the assignee at the time of expiration, LaCrosse Technologies, Ltd. must comply with the requirements of 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is

established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A blank Statement under 37 CFR 3.73(b) is enclosed with this decision.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: Attn: Office of Petitions
(571) 273-8300

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

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 14

Banner & Witcoff, Ltd.
1001 G Street, NW - 11th Floor
Washington, DC 20001

COPY MAILED

OCT 0 3 2005

OFFICE OF PETITIONS

In re Patent No. 6,076,044	:	
Issue Date: June 13, 2000	:	
Application No. 09/246,784	:	ON PETITION
Filed: February 1, 1999	:	
Patentee(s) Anthony Brown	:	

This is a decision on the renewed petitions under 37 CFR 1.378(c), filed by facsimile transmission on August 26, 2005 and on September 22, 2005, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decisión.

A courtesy copy of this decision is being mailed to the applicant, using the address listed on the instant petition.

The patent file is being forwarded to Files Repository.

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

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Anthony Brown
1326 Gabes Place
Hyattsville, MD 20785

RECEIVED

AUG 1 1 2005

OFFICE OF PETITIONS

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/05/06

TO SPE OF : ART UNIT 1712

SUBJECT : Request for Certificate of Correction for Appl. No.: **09/246932** Patent No 6770601

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch

703-308-9390 ext. 23

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Corrects typographical errors.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

SPE

1712

Art Unit

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 Patent No. 6014072
Issue Date: January 11,2000
Application No. 09247068
Filed: February 9,1999
Attorney Docket No. Q053043

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 6,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 6,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6014072	2000-01-11	09247068	1999-02-09	Q053043

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2008-03-06
Name	Kendal M. Sheets	Registration Number	47077

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 18

Tropian, Inc.
Attn: Patent Counsel
20813 Stevens Creek Boulevard
Suite 150
Cupertino, CA 95014

COPY MAILED

AUG 09 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of	:	
Earl McCune, et al.	:	
Application No. 09/247,097	:	ON PETITION
Filed: February 9, 1999	:	
Attorney Docket No. 032219-007	:	

This is a decision on the petition, filed August 7, 2000, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Telephone inquiries should be directed to Marianne E. Morgan at (703) 306-3475.

The application is being forwarded to Technology Center 2800 for processing of the request for continued examination under 37 CFR 1.114.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 1450
Alexandria, VA 22313-145
www.uspto.go

Paper No. 32

COPY MAILED

MAY 16 2003

OFFICE OF PETITIONS

Robert E. Krebs
Thelen Reid & Priest
PO Box 640640
San Jose, CA 95164-0640

In re application of
McCune et al.
Application No. 09/247,097
Filing Date: February 9, 1999
Attorney Docket No. 034942-130

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed September 26, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 27, 2000.

The above-identified application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a continuing application is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to charge any additional fees due, the $650 issue fee will be charged to Deposit Account No. 50-1698.

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[a]

[a] The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. The request and pertinent attachments should be addressed to **Box Issue Fee**. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

Any questions concerning this matter may be directed to the undersigned at (703) 308-6911.

The application file is being forwarded to Technology Center AU 2838 for processing the Request for Continued Examination pursuant to 37 CFR 1.114 filed with the instant petition.

Latrice Bond

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6048622
Issue Date: April 11,2000
Application No. 09247249
Filed: February 9,1999
Attorney Docket No. MIT6629

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed June 16,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 16,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6048622	2000-04-11	09247249	1999-02-09	MIT6629

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Theresa A. Lober/	Date (YYYY-MM-DD)	2008-06-16
Name	Theresa A. Lober	Registration Number	35253

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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

COPY MAILED

OCT 30 2009

OFFICE OF PETITIONS

TRASKBRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of	:	
Richard D. Zitting	:	
Application No. 09/247252	:	
Filing or 371(c) Date: 02/09/1999	:	ON PETITION
Patent No. 6217030	:	
Issue Date: 04/17/2001	:	
Title of Invention:	:	
SEAL ASSEMBLY	:	

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.

Petitioner is advised that, in patented files: requests for changes of correspondence address, powers of attorney, revocations of powers of attorney, withdrawal of attorney and submissions under 37 CFR 1.501: Designation of, or changes to, a fee address, should be addressed to Mail Stop M Correspondence. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

March 13, 2002

Michael A. Jaskolski
Quarles & Brady
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497

In re application of:
Carlos De La Huerga DECISION ON PETITION
Serial No.: 09/247,349
Filed: February 10, 1999

For: METHOD AND SYSTEM FOR AUTHOMATED DATA STORAGE AND RETRIEVAL

This is a decision on the petition received on June 2, 2000, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed March 3, 1999. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned May 4, 1999. A notice of abandonment was mailed on May 18, 2000.

On June 2, 2000, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney responded to the Notice to File Missing Part on March 3, 1999.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Missing Parts of Application on March 3, 1999.

The petition is hereby GRANTED.

The application has been completed for release to Technology Center 16162171.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie Day

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

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

Paper No. 30

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

COPY MAILED
AUG 23 2004
OFFICE OF PETITIONS

In re Application of	:	
Carlos De La Huerga	:	
Application No. 09/247,349	:	DECISION ON PETITION
Filed: February 10, 1999	:	
Attorney Docket No. 250591.90112	:	

This is a decision on the paper styled "CORRECTION OF FILING DATE," filed May 21, 2004, requesting that the above-identified application be accorded a filing date of February 10, 1999. Petitioner states that the initial Filing Receipt for this case indicated that the filing date was February 10, 1999; however, partway through the prosecution of the application the Examiner began to use the incorrect filing date of May 3, 1999.

Application papers in the above-identified application were deposited on February 10, 1999. On March 3, 1999, the Office mailed a "Notice to File Missing Parts of Application - Filing Date Granted," advising applicants that the application papers had been accorded a filing date of February 10, 1999; however, an executed oath or declaration was missing from the application. On May 3, 1999, applicant filed a paper styled "CORRECTION OF FILING RECEIPT," requesting correction of the inventorship pursuant to 1.48(f).

35 U.S.C. 111(a) provides that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

This was the standard for according of a filing date on February 10, 1999. A review of the application file further confirms that, as indicated in the Notice mailed March 3, 1999, the instant application as filed on February 10, 1999 was entitled to a filing date. The record reveals no proper basis for changing the filing date to the date of filing of a declaration correcting inventorship. It is concluded that the Office erred in making the change. The instant application is entitled to a filing date of February 10, 1999, the date on the which the specification and any required drawing were received in the Office.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, any petition fee is subject to refund.

Receipt of the issue fee is acknowledged. After processing by the Office of Initial Patent Examination (OIPE), the application will be forwarded to the Publishing Division for processing into a patent.

The application is being returned to OIPE for:

- **correction of the filing date to February 10, 1999**.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson
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

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

COPY MAILED

APR 27 2007

OFFICE OF PETITIONS

In re Patent No. 7,013,298	:	
Issue Date: March 14, 2006	:	
Application No. 09/247,349	:	NOTICE
Filed: February 10, 1999	:	
Attorney Docket No. 250591.90112		

This is a notice regarding your 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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,066,767	2000-05-23	09/247,388	1999-02-10	1007-3

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	◉	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Eward Etkin/	Date (YYYY-MM-DD)	2008-06-24
Name	Edward Etkin, Esq.	Registration Number	37824

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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 Patent No. 6066767
Issue Date: May 23,2000
Application No. 09247388
Filed: February 10,1999
Attorney Docket No. 1007-3

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed June 24,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 24,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

Paper No. 24

COPY MAILED
MAY 2 0 2004
OFFICE OF PETITIONS

Brenda Herschbach Jarrell Choate Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109

In re Application of Michael Caplan Application No. 09/247,406 Filed: February 10, 1999 Attorney Docket No. 2002834-0050	: : : : :	ON PETITION

This is a decision on the petition, filed January 15, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9220. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 1627 for consideration of the response filed January 15, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 6

NIKAIDO MARMELSTEIN MURRAY & ORAM
METROPOLITAN SQUARE
655 FIFTEENTH STREET N W
SUITE 330 - G STREET LOBBY
WASHINGTON DC 20005-5701

MAILED

DEC 0 3 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Yasunori Kawamura
Application No. 09/247, 549
Filed: February 10, 1999
For: **MULTIPLE-FORMAT VIDEO ENCODER**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the Petition for Withdrawal of Abandonment filed November 9, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

On May 8, 2001, a non-final Office action was mailed (paper No. 3) in the subject application. A response from Applicants was not received. On December 12, 2001, a Notice of Abandonment was mailed (paper No. 4).

Petitioner alleges that the non-final Office action of May 8, 2001 (paper No. 3) was not received. As evidence of non-receipt, the petition states that Applicant's attorneys relocated March 6, 2000 to a new address in Washington D.C. and that the United States Postal Service was instructed to forward all mail to the new address. In addition, the petition states that on or about May 22, 2001, an e-mail was sent which included a spreadsheet of applications that were to be associated with Customer number 04372. Petitioner further states that new address was of record under the Customer number as of January 31, 2001.

Based on M.P.E.P. § 711.03(c) *[See also Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not received, 1156 O.G. 53 (November 16, 1993)]*, in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

(a) a statement from the practitioner stating that the Office communication was not received by the practitioner;

(b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and,

(c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

A review of the application file finds no irregularity in the mailing of the Office action since it was mailed to the address of record at that time. Applicant's representatives admittedly moved more than a year prior to the mailing of the non-final Office action and a specific notice to update the correspondence address was not filed in this application. Petitioner refers to a customer number, however, the subject application was not associated with a customer number at the time of mailing. Petitioner states that an e-mail was sent on or about May 22, 2001 with a listing of applications that were to be associated with the customer number. This was after the mailing of the non-final Office action.

The further evidence provided by Petitioner, is an e-mail from the Office which brings into question the association of a list of applications and queries whether or not the list of applications should have been associated with Customer Number 04372. The subject application is one of those applications in question. No further evidence was provided to suggest that a response was sent or that the application should have been associated with the Customer Number 04372. There is no evidence of record which suggests that the subject application was ever associated with Customer Number 04372.

Therefore, petitioner has not made a sufficient showing of non-receipt of the non-final Office action (paper No. 3, mailed May 8, 2001) at the correspondence address of record at that time in accordance with the requirements set forth in MPEP §711.03(c), reproduced above. If the NIKAIDO MARMELSTEIN MURRAY & ORAM, METROPOLITAN SQUARE, 655 FIFTEENTH STREET N W, SUITE 330 - G STREET LOBBY, WASHINGTON DC 20005-5701 address was not the correct address of record, petitioner must submit evidence that the PTO was timely notified of the change in correspondence address such that there was an irregularity in the mailing of the Office action.

For the above reasons, the petition is **DENIED.**

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include evidence of timely notification of a change or correction of the correspondence address of record for the above-identified application prior to the mailing of the non-final Office action on May 8, 2001. Alternatively, petitioner may want to consider filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

A courtesy copy of this decision is being sent to Petitioner at the address given below. However, all future communications will continue to be sent to the address of record listed above until a proper change of correspondence address is filed.

The file is being returned to the Files Repository.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

Cc: Arent Fox PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036-5339

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

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, D.C. 20036-5339

COPY MAILED

APR 19 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Yasunori Kawamur	:
Application No. 09/247,549	:
Filed: February 10, 1999	:
Attorney Docket No. P3213-9008	:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being forwarded to Technology Center AU 2614 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 7

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

FEB 2 0 2003

Technology Center 2600

In re Application of	:
Hiroshi Yoshikawa	: DECISION GRANTING PETITION
Application No. 09/247,552	: TO WITHDRAW HOLDING OF
Filed: February 10, 1999	: ABANDONMENT
Attorney Docket No. P3213-9006	:

This is a decision on the petition filed on January 13, 2003, requesting withdrawal of the holding of abandonment of the above-identified application because the applicant did not receive the Office communication mailed on December 18, 2001 at the correspondence address of record.

The petition is granted.

Petitioner provided a statement that the Office communication in question was not received at the correspondence address of record. The Office communication was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed.

Accordingly, the application is not abandoned in fact because the applicant did not receive the Office communication. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office communication will be remailed and the shortened statutory period that was originally set forth in the Office communication shall be restarted to run from the mail date of the newly supplied Office action or notice.

James L. Dwyer, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE IAP78
JUN 0 1 2009
PATENT & TRADEMARK OFFICE

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

JACK LO
617 VIEWRIDGE DRIVE
PACIFICA, CA 94044

COMPLETED

Paper No. 11
COPY MAILED
MAY 2 2 2009
OFFICE OF PETITIONS
ON PETITION

In re Patent No. 6,119,465 :
Issue Date: September 19, 2000 :
Application No. 09/247,581 :
Filed: February 10, 1999 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.378(c), filed April 30, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A grantable petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition lacks items (1) above. The statement of unintentional delay is not considered to be submitted by a proper party pursuant to 37 CFR 1.378(d). 37 CFR 1.378(d) states that any petition under this section must be signed by an attorney or agent registered to practice before the U.S. Patent and Trademark Office, or by the patentee, the assignee, or other party of interest as established by 37 CFR 3.73(b)[1]. Petitioner has not established that the person who signed the petition form, Dee S. Kelly, is authorized to sign on behalf of the patentee, assignee, or other party of interest.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include 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.

[1]37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the $1,240 maintenance fee and the $1,640 surcharge fee submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

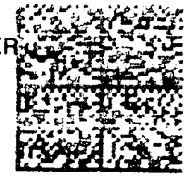
cc: DEE S. KELLY
CRYOPORT SYSTEMS, INC.
20385 BARENTS SEA CIRCLE
LAKE FOREST, CA 92630

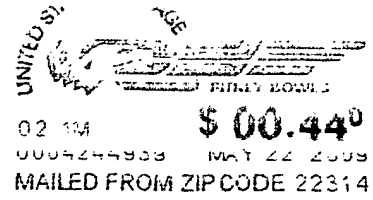
Organization _____ Bldg./Room _____

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, Va. 22313-1450
If Undeliverable Return In Ten Days

Official Business
Penalty For Private Use, $300

AN EQUAL OPPORTUNITY EMPLOYER





DEE S. KELLY
CRYOPORT SYSTEMS, INC.
20385 BARENTS SEA CIRCLE
LAKE FOREST, CA 92630

NIXIE 927 SE 1 00 05/27/09
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 22313145050 *0917-02489-22-41

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

GRAHAN & JAMES
600 HANSEN WAY
PALO ALTO CA 94304-1043

Paper No. 12 **MAIL**

FEB 25 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:)
Angus Dorbie)
Application No.: 09/247,816)
Filed: February 9, 1999)
For: METHOD AND APPARATUS FOR)
EARLY CULLING OF OCCLUDED
OBJECTS

DECISION ON REQUEST TO
WITHDRAW AS ATTORNEY

This is a decision on the Request For Withdrawal As Attorney Or Agent filed January 09, 2002.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All attorneys listed in the withdrawal filed January 09, 2002 have been withdrawn from the record, leaving no attorney(s) remaining in the application.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4710

cc: Janice Francisco
Microsoft Corporation
LCA Patent Group, One Microsoft Way
Redmond, WA 98052

UNITED STATES
PATENT AND
TRADEMARK OFFICE

OIPE IAP54
MAR 16 2006
PATENT & TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

Paper No. 7

TM 9/10/04.

ROBINSON INTELLECTUAL PROPERTY LAW OFFICE
PMB 955
21010 Southbank Street
Potomac Falls, VA 20165

SEP 3 2004

In re Application of Kenichi Shiraishi *et al.*
Application No. 09247826
Filed: February 11, 1999
Attorney Docket No. 0670-0208

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 C.F.R. § 1.313

The above-identified application is withdrawn from issue after payment of the issue due to unpatentability of one or more claims. See 37 C.F.R. § 1.313(b)(3).

The above identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Isen Forester at (703) 305-4386.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Mark R. Powell

Mark R. Powell
Director, Technology Center 2600
Communications

CC: Office of Publications:

Patent Clerk, PK3-910
Supervisory Correspondence Clerk, PK3-910

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

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O BOX 10500
McLean VA 22102

COPY MAILED

SEP 25 2008

OFFICE OF PETITIONS

In re Patent No. RE39811 :
Issue Date: September 4, 2007 :
Application No. 09/247,895 : DECISION ON PETITION
Filed: February 10, 1999 :
Attorney Docket No. 51270-245579 :

This is a decision on the petition under 37 CFR 1.182 filed June 4, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and
3. a copy of the docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the evidence required to establish nonreceipt of the original Letters Patent. In this regard, petitioner has not [state here what evidence is lacking; e.g., Office records reflect that the Letters Patent was mailed to the address of record at the time which is the

same address cited above. The evidence submitted does not establish nonreceipt of the Letters Patent at that address.

In view of the above, the petition fails to provide the necessary evidence to establish nonreceipt of the Letters of Patent. Accordingly, the petition for issuance of a duplicate Letters Patent under 37 CFR 1.181 cannot be granted at this time. .

If petitioner cannot submit the required evidence to establish nonreceipt of the original Letters Patent or simply does not wish to, petitioner may wish to consider filing a petition under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent and pay the required fee of $400.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
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

Paper No.

THOMAS, KAYDEN, HORSTEMEYER & RISLEY LLP
600 GALLERIA PARKWAY, 15TH FLOOR
ATLANTA GA 30339

COPY MAILED

FEB 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Tze-Liang Ying et al.	:	DECISION ON PETITION
Application No. 09/247,974	:	PURSUANT TO 37 C.F.R.
Filed: February 11, 1999	:	§ 1.181(A)
Attorney Docket No. 252016-2310	:	
Title: KEY-HOLE FREE PROCESS	:	
FOR HIGH ASPECT RATIO GAP	:	
FILLING WITH REENTRANT SPACER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), to withdraw the holding of abandonment, filed on May 25, 2007.

The Revocation of Power of Attorney and Change of Correspondence Address filed on December 6, 2004 has been entered and made of record.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed May 16, 2000, which set a shortened statutory period for reply of three months. An after-final amendment was received on November 6, 2000 along with a postcard receipt that evinces that this submission was originally presented to the Office on June 27, 2000. An advisory action was mailed on November 13, 2000. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on August 17, 2000. A notice of abandonment was mailed on January 26, 2001.

With the present petition, Petitioner has alleged that the notice of abandonment was not received and that a Request for

Continued Examination (RCE) was submitted on November 28, 2000, and has submitted a copy of the docket report.

The electronic file has been reviewed, and it is clear that an RCE was submitted on November 28, 2000.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of abandonment was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The fees associated with the filing of an RCE and a three-month extension of time (so as to make timely the submission of the RCE) have been charged to Petitioner's Deposit Account[1].

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment filed on November 6, 2000 - can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 It is noted that the RCE contained an authorization to charge any required fees to a Deposit Account. It is further noted that although Applicant was under the impression that an extension of time was not required, this belief was not correct.

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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

MAR 18 2004

THOMAS HOXIE
NOVARTIS, CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 430/2
EAST HANOVER NJ 07936-1080

In re application of Zhengyu Yuan et al.	:
Serial No. : 09/248,158	: DECISION ON PETITION
Filed : February 9, 1999	:
Attorney Docket No.: 342312000600	:

This is in response to applicants' petition, filed September 18, 2003 under 37 CFR 1.181, to enter the amendment after final rejection filed July 19, 2003.

BACKGROUND

A review of the file history shows that the examiner mailed an Office action (final rejection) on May 19, 2003. On July 19, 2003 applicants filed an amendment and response under 37 CFR 1.116. On August 5, 2003 the examiner mailed an advisory action indicating that the amendment would not be entered because it raised new issues and did not reduce or simplify the issues for appeal. The examiner did not state what new issue would be raised if the amendment were entered.

DISCUSSION

The proposed amendment after final rejection included changes to claims 1 and 20. Since claim 20 is withdrawn from consideration, no new issue is raised by the amendment to that claim. Claim 1 would be amended to change the words "can be" to "is." It does not appear that entry of this amendment would require further search or a new ground of rejection.

DECISION

Applicants' petition is **GRANTED**.

Upon appeal, the amendment filed July 19, 2003 will be entered.

Any request for reconsideration or review of this decision must be made by a renewed petition and must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter please contact Bruce Campell by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA, 22313-1450, or by telephone at (571) 272-0974 or by facsimile transmission at (571) 273-0974.

John Doll
Director, Technology Center 1600

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 Patent No. 6487766
Issue Date: December 3,2002
Application No. 09248163
Filed: February 10,1999
Attorney Docket No. 6185-227XX/9

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed June 20,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 20,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6487766	2002-12-03	09248163	1999-02-10	70185-New(6185-227)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Billy A. Robbins/	Date (YYYY-MM-DD)	2008-06-20
Name	Billy A. Robbins	Registration Number	18313

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUN 4 2002

Mailed:_____

mfh
Paper No. 18

In re application of:
Hubertus Spaepen
Serial No.: 09/248,392
Filed: February 12, 1999
For: PRODUCTION OF PRODUCTS CONTAINING PRECIPITATED CALCIUM CARBONATE

DECISION ON PETITION

This is a decision on the PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.181, filed January 18, 2002. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 10, 2002, for failure to timely file a response to the Notice to File Missing Parts of Application mailed June 21, 2001. Applicants assert that they timely filed a response on January 18, 2002, along with a five month extension of time. The two month time period set in the Notice and the five month extension of time would indicate that the expiration of the extended period for response would be January 22, 2002, with January 21 being a Federal Holiday.

DECISION

Since petitioner asserts that they timely filed a response to the Notice, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did indeed timely file a response to the Notice before the end of the extened period for response.

Therefore, the Notice of Abandonment is hereby withdrawn. Hence, the case is returned to pending status. The application shall be forwarded to the Technical Support Staff for entry of the response and attached amendment before being forwarded to the examiner for examination on the merits of the case.

The Petition is **GRANTED**.

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.
1300 I Street, NW
Washington DC 20005-3315

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

Paper No. 18

Amster, Rothstein & Ebenstein
90 Park Avenue
New York, NY 10016

COPY MAILED
AUG 0 6 2004
OFFICE OF PETITIONS

In re Application of

H. Korn and J. Korn :

Application No. 09/248,436

: DECISION ON PETITION

Filed: February 11, 1999

:

Attorney Docket No. P/3253-3

This is a decision on the petition under 37 CFR 1.137(b), filed July 26, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed June 4, 2003, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was filed on December 8, 2003 (certificate of mailing dated December 4, 2003), along with an extension of time within the third month. The examiner assigned to the application found that the response, though timely, was not compliant. The application became abandoned on December 5, 2003. A Notice of Abandonment was mailed on January 22, 2004.

The examiner assigned to the application has determined that the amendment filed March 22, 2004, places the application in condition for allowance.

The application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
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

Paper No. 14

AMSTER, ROTHSTEIN & EBENSTEIN
90 PARK AVENUE
NEW YORK, NY 10016

COPY MAILED

JUL 07 2004

OFFICE OF PETITIONS

In re Application of :
H. Korn and J. Korn :
Application No. 09/248,436 :
Filed: February 11, 1999 :
Attorney Docket No. P/3253-3

ON PETITION

This is a decision on the petition filed March 22, 2004, to revive the above-identified application. The petition will be treated under 37 CFR 1.137(a) and 37 CFR 1.137(b) because petitioner did not indicate under which rule the instant petition is made.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed June 4, 2003, which allowed an extendable period for response of three months from its mailing date. A response was filed on December 8, 2003 (certificate of mailing dated December 4, 2003), along with an extension of time within the third month. The examiner assigned to the application found that the response, though timely, was not compliant. The application became abandoned on December 5, 2003. A Notice of Abandonment was mailed on January 22, 2004.

TREATMENT UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due

[1]As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner essentially the amendment filed December 8, 2003, in response to the final Office action substantially compliant with the applicable rules and placed the application in condition for allowance.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reason petitioner's argument must necessarily fail is addressed below.

The examiner is the primary authority as to the sufficiency of the arguments made in the amendments filed at this stage in the prosecution of the subject application. In this case, the examiner determined that the amendment filed December 8, 2003, failed to place the application in condition for allowance, and the undersigned does not have the authority to preempt that decision. Relative to how the instant petition is affected by applicant's admitted failure to consistently cancel Claims 54 and 55 throughout the amendment, since the examiner has determined that such failure kept the application from being allowed resulting in the abandonment of the application, it feasible to conclude that the abandonment may have been avoided if petitioner were more careful in the preparation of the amendment. Because reasonable steps could have been take to avoid the abandonment of the application but were not. it cannot be concluded that the abandonment of the application was unavoidable pursuant to 37 CFR 1.137(a). The petition under 37 CFR 1.137(a) is, therefore, dismissed.

TREATMENT UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is also dismissed.

---

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of items (2) and (3) above.

As to item (2) above, the petition fee was not found with the instant petition papers. The fee of a petition under 37 CFR 1.137(b) is $1,330.00 for a large entity and $665.00 for a small entity. Any renewed petition filed under 37 CFR 1.137(b) must be accompanied by the appropriate petition fee.

As to item (3) above, the 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 37 CFR 1.137(b) was unintentional was not found in the instant petition. This statement, or a statement, that may be construed as such, is necessary in order for the petition to be considered grantable and should be included in any renewed petition filed.

If petitioner wishes to again argue that the reply was largely compliant such that the application should have been allowed and, therefore, not abandoned, petitioner should file a petition to withdraw the holding of abandonment under 37 CFR 1.181 that will be entertained by the an official in the Technology Center that is qualified to address the merits of the sufficiency of an amendment in the prosecution of the application.

The fee of $130.00 paid March 22, 2004, is noted, however; petitioner did not file any petition that has a fee that corresponds to this amount. Accordingly, the fee for the petition under 37 CFR 1.137(a) ($55.00) will be taken from this amount, and the remaining amount refunded to petitioner, in due course.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

INTEROFFICE MEMO

DATE: May 18, 2004

TO: Jeffrey Harold
Technology Center 2600, GAU 2644

FROM: Kenya A. McLaughlin, 77980 KAM
Petition Attorney
Office of Petitions, CP4-3D10
(703)305-0010

SERIAL NO.: 09/248,436

Please review Paper No. 13 of the above-cited application and determine whether it places the application in condition for allowance. You may indicate your decision below and return the application file to my attention at the location provided above. Thank you.

✓ Yes, the amendment places the application in condition for allowance.

____ No, the amendment does not place the application in condition for allowance.

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 Patent No. 6135851
Issue Date: October 24,2000
Application No. 09248927
Filed: February 12,1999
Attorney Docket No. BIG-P-00-001

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed January 22,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 22,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,135,851	2000-10-24	09/248,927	1999-02-12	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

◉ The assignee of record of the entire interest

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Earl W. Duval/	Date (YYYY-MM-DD)	2010-01-22
Name	Earl W. Duval		
Enter Reel and Frame Number		Remove	
Reel Number	016926	Frame Number	0135
Click ADD for additional Reel Number and Frame Number		Add	

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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 Patent No. 6180006
Issue Date: January 30,2001
Application No. 09249034
Filed: February 12,1999
Attorney Docket No. 7813/16

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed April 21,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 21,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,180,006	2001-01-30	09/249,034	1999-02-12	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
○ 7 ½ year	(1552)	◉ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Lawrence J. Gibney, Jr./	Date (YYYY-MM-DD)	2009-04-21
Name	Lawrence J. Gibney, Jr.	Registration Number	49062

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,100	02/12/1999	TAKUO HIBI	Q053271	9567

7590 02/19/2002

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373213

EXAMINER
NGUYEN, NGOC YEN M

ART UNIT	PAPER NUMBER
1754	

DATE MAILED: 02/19/2002

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 24

In re Application of
Takuo Hibi et al.
Application No. 09/249,100
Filed: February 12, 1999
Attorney Docket No. Q053271

: DECISION GRANTING PETITION
: TO RESET PERIOD FOR REPLY

This is a decision on the petition filed on January 24, 2002 requesting that the shortened statutory period for reply set forth in the Office communication mailed on October 24, 2001 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is granted.

Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on January 17, 2002. The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt. Furthermore, the Office communication was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on October 24, 2001 is hereby reset to run FROM THE RECEIPT DATE OF January 17, 2002.

Steven P. Griffin
Supervisory Patent Examiner,
Art Unit 1754, Technology Center 1700

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON DC 20037-3213

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

Paper No. 24

Lahive & Cockfield, LLP
28 State Street
Boston, MA 02109

COPY MAILED

OCT 0 6 2003

OFFICE OF PETITIONS

In re Application of
William G. Tatton et al.
Application No. 09/249,350
Filed: February 11, 1999
Attorney Docket No. WTZ-004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the non-final Office action mailed June 17, 2002, which set a shortened statutory period for reply of three months. Extensions of time under the provisions of 37 CFR 1.136 were obtained on December 24, 2002, with a certificate of mailing date of December 17, 2002. Accordingly, the application became abandoned on December 18, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $465 extension of time submitted with the petition on September 16, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The above-identified application is being forwarded to Technology Center AU 1617 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6484723
Issue Date: November 26,2002
Application No. 09249682
Filed: February 11,1999
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed September 17,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 17,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6484723	2002-11-26	09249682	1999-02-11	Haas

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Sarah J. Rhoades/	Date (YYYY-MM-DD)	2008-09-17
Name	Sarah J. Rhoades	Registration Number	52165

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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.

Best Available Copy

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 3

WAGNER MURABITO & HAO
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE , CA 95113

Mailed
FEB 4 2000
Director's Office
Group 2700

In re Application of:)
David Kuo, et al.)
Application No.: 09/249,741)
Filed: February 11, 1999)
For: FLEXIBLE ARCHITECTURE FOR)
IMAGE PROCESSING)

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed December 10, 1999.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2700
Communications & Information Processing
(703) 305-4710

cc: FLASHPOINTE TECHNOLOGY, INC.
152 North 3rd Street, Suite 800
San Jose, CA 95113

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 12

COPY MAILED

JUN 3 0 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

James A. Flight
Marshall O'Toole Gerstein Murray & Borum
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

In re Application of
Bill Hoerner et al.
Application No. 09/249,916
Filed: February 12, 1999
Attorney Docket No. 96-007B

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 8, 1999, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 9, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $870 extension of time submitted with the petition on June 20, 2000 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center 3600, for further processing.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 26

James A. Flight
MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

COPY MAILED

MAR 2 4 2003

OFFICE OF PETITIONS

In re Application of
Hoerner et al.
Application No. 09/249,916
Filed: February 12, 1999
Attorney Docket No. 29020/96007B2

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 7, 2003, to revive the above-identified application.

The petition is **granted.**

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 3, 2002, and no extensions of time under the provisions of 37 CFR 1.136(b) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the-above-identified application became abandoned on August 4, 2002. See MPEP 1215.04. A Notice of Abandonment was mailed on January 23, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1970.00 extension of time fee submitted with the petition on March 7, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

The file is now being forwarded to Techonology Center 3600.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
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

J. H. BOUCHARD
GEOQUEST
SCHLUM BERGER TECHNOLOGY CORPORATION
5599 SAN FELIPE, SUITE 1700
HOUSTON, TX 77056-2722

COPY MAILED

OCT 20 2004

OFFICE OF PETITIONS

In re Application of :
Shamim Ahmed, et al. :
Application No. 09/250,027 :
Filed: February 11, 1999 :
Attorney Docket No. 59.0010DIV :

ON PETITION

This is a decision on the petition, filed August 21, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed December 19, 2002, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on July 2, 2003. On August 21, 2004, an amendment and the present petition were filed.

The petition is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 2126 for consideration of the amendment filed August 21, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

J H BOUCHARD
GEOQUEST
SCHLUMBERGER TECHNOLOGY CORPORATION
5599 SAN FELIPE SUITE 1700
HOUSTON, TX 77056-2722

COPY MAILED

FEB 27 2008

OFFICE OF PETITIONS

In re Application of :
Shamim Ahmed, et al. :
Application No. 09/250,027 : ON PETITION
Filed: February 11, 1999 :
Attorney Docket No. 59.0010DIV :

This is a decision in response to the petition, filed November 13, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a Notice of Non-Compliant Amendment mailed October 15, 2007. This decision precedes the mailing of a Notice of Abandonment was mailed. On November 13, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540[1]; and (3) an adequate statement of unintentional delay.

It is noted that the petition is not signed by an attorney or agent of record in the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Danita Maseles appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The application is being referred to Technology Center AU 2194 for consideration of the amendment filed November 13, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] Petitioner submitted a petition fee of $1,330 on November 13, 2007. Effective September 30, 2007, the requisite petition fee was increased to $1,540. Accordingly, the $210 balance of the petition fee is being charged to counsel's deposit account as authorized.

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 Patent No. 6265466
Issue Date: July 24,2001
Application No. 09250047
Filed: February 12,1999
Attorney Docket No. EIKOS-1

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 4,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 4,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,265,466	2001-07-24	09/250,047	1999-02-12	8125.002.US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/James Remenick/	Date (YYYY-MM-DD)	2010-02-04
Name	James Remenick	Registration Number	36902

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 17

AMY E MANDRAGOURAS
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

COPY MAILED

JUL 17 2001

OFFICE OF PETITIONS
A/C PATENTS

ON PETITION

In re Application of :
Andrea Dessen et al. :
Application No. 09/250,083 :
Filed: February 15, 1999 :
Attorney Docket No. GI5341 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 13, 2000, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 14, 2000.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center 1600.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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 Patent No. 6395084
Issue Date: May 28,2002
Application No. 09250373
Filed: February 16,1999
Attorney Docket No. 29353/35107A

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed October 24,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 24,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

Telephone inquires related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6395084	2002-05-28	09250373	1999-02-16	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	◉ 3 ½ year	(2551)
○ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

○ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Sole Patentee			
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 form of the signature.			
Signature	/James L. Priest/	Date (YYYY-MM-DD)	2007-10-24
Name	James L. Priest		

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom of Information Act requires disclosure of these record s.

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 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-103X
(Rev. 8-95)

FILING RECEIPT

CORRECTED

OIPE JC25
MAR 0 8 2004
PATENT & TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/250,401	02/16/99	2742	$1,046.00	50255-060	5	18	5

MCDERMOTT WILL & EMERY
600 13TH STREET N W
WASHINGTON DC 20005-3096

RECEIVED
MAY 12 1999
McDERMOTT, WILL & EMERY

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MARK GRAYSON, LONDON, ENGLAND; DENNIS ROY MULLINS, LONDON, ENGLAND; KEITH NORMAN GUY HUNGERFORD, BALMAIN, AUSTRALIA; RICHARD WYRWAS, LONDON, ENGLAND.

FOREIGN APPLICATIONS- EPO 98304957.8 06/24/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/08/99
TITLE
IDLE MODE MEASUREMENTS

PRELIMINARY CLASS: 379

DATA ENTRY BY: DAVENPORT, BOBBIE TEAM: 03 DATE: 04/22/99

(see reverse)

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

22504 7590 12/15/2003
DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

OIPE JC25 MAR 0 8 2004 PATENT & TRADEMARK OFFICE

EXAMINER
CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 12/15/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/250,401	02/16/1999	MARK GRAYSON	57724-20	2018

TITLE OF INVENTION: IDLE MODE MEASUREMENTS

COPY OF FILING RECEIPT ATTACHED

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	~~NO~~ YES	~~$1330.~~ 665	$0	$1330	03/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☒ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

ENTERED IN DWT IP DOCKET
DEC 17 2003
By: m.larican

PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.

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 Patent No. 6204995
Issue Date: March 20,2001
Application No. 09250421
Filed: February 16,1999
Attorney Docket No. NE076-US

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

This is a decision on the electronic petition, filed May 14,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 14,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
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 valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6204995	2001-03-20	09250421	1999-02-16	ID0018610

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY
☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity		Small Entity	
Fee	Code	Fee	Code
○ 3 ½ year	(1551)	○ 3 ½ year	(2551)
◉ 7 ½ year	(1552)	○ 7 ½ year	(2552)
○ 11 ½ year	(1553)	○ 11 ½ year	(2553)

SURCHARGE
The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))
The appropriate maintenance fee must be submitted with this petition.

STATEMENT
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
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 form of the signature			
Signature	/Alan J. Kasper/	Date (YYYY-MM-DD)	2010-05-14
Name	Alan J. Kasper	Registration Number	25426

This collection of information is required by 37 CFR 1.378(c). 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 1 hour 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. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

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 Freedom 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 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 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 16

JOHN B HARDAWAY III
HARDAWAY LAW FIRM
P O BOX 10107
FEDERAL STATION
GREENVILLE , SC 29603-0107

COPY MAILED

OCT 1 5 2001

OFFICE OF PETITIONS

In re Application of
Ilse Chudoba, et al.
Application No. 09/250,466
Filed: February 16, 1999
Attorney Docket No. RPE-27

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 5, 2001, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained and no response was received within the allowable period. Accordingly, the application became abandoned on May 6, 2001. A Notice of Abandonment was mailed September 25, 2001.

Petitioner is advised that the name of the law firm as cited on the instant petition differs from the name of the law firm as cited in Office records. Petitioner should submit a formal written request to change the name of the law firm in Office records. Until such request is made, future correspondence will continue to be addressed to the "Hardaway Law Firm."

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving above-identified application, the application is again abandoned in favor of the continuing prosecution application filed October 4, 2001.

The application is being forwarded to Technology Center 1600 for review of the continuing prosecution application and the accompanying amendment.

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

cc: Oscar A. Trowler
Nexsen Pruet Jacobs & Pollard, LLC
PO Box 10107
Greenville, South Carolina 29603-0107

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 28

Pfizer, Inc.
201 Tabor Road
Morris Plains, NJ 07950

COPY MAILED
SEP 22 2003
OFFICE OF PETITIONS

In re Application of :
Mary Robinson et al. :
Application No. 09/250,834 : ON PETITION
Filed: February 16, 1999 :
Attorney Docket No. 5079D1-07-LA :

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Responsive Amendment filed March 12, 2003, which set a shortened statutory period for reply of One Month (1). No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 13, 2003.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34, the signature of Allen R. Kipnes appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If Allen R. Kipnes desires to receive future correspondence regarding this application, an appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence will be directed solely to the address of record until otherwise instructed.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1761.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Watov & Kipnes
PO Box 247
Princeton Junction, NJ 08550

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

ALLEN R. KIPNES, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTION, NJ 08550

COPY MAILED

JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Robinson et al.	:	
Application No. 09/250,834	:	ON PETITION
Filed: February 16, 1999	:	
Attorney Docket No. 5079D1-07-LA	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 26, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1020.00 extension of time fee submitted with the petition on October 26, 2006, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This matter is being referred to Technology Center 1700 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
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
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130

MAILED

JAN 07 2010

OFFICE OF PETITIONS

In re Patent No. 6,383,916	:	
Issue Date: May 7, 2002	:	
Application No. 09/251,183	:	NOTICE
Filed: February 17, 1999	:	
Attorney Docket No. 085027-0023	:	

This is a notice regarding your 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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Office

LAWRENCE HARBIN
MCINTYRE HARBIN & KING LLP
500 9TH STREET, S.E.
WASHINGTON DC 20003

COPY MAILED

SEP 2 6 2006

Director's Office
Office of Patent Publication

In re Application of	:	
Larrick, J. Frederick JR. et al.	:	
Application No. 09/251,297	:	**DECISION ON PETITION**
Filed: February 17, 1999	:	
Attorney Docket No. KMH-029COMB	:	

This is a decision on the Petition Under 37 CFR 1.181 To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on September 21, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, **or** as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be submitted within TWO (2) MONTHS from the mail date of this decision.

The application was held abandoned for applicant's failure to timely file corrected drawing, as required in the Notice of Allowability mailed January 17, 2006. The Notice of Abandonment was mailed on June 7, 2006.

Petitioner states that "Upon checking with the Office of Publications on June 12, 2006, however , applicants' counsel learned that corrected drawings filed October 7, 2005, were, in fact, already received by the Office." Petitioner has submitted a copy of Transmittal Of Replacement Drawing Sheets and 17 replacements sheets of drawing.

As previously noted, the Notice of Allowability mailed January 17, 2006 did in fact require corrected drawings by the Examiner.

Applicant, is advised, that where a requirement is made, in this case the Notice of Allowability, and no petition is filed within the period set forth in 37 CFR §1.181(f) traversing the requirement made in the Notice of Allowability, petitioner is assumed to have acquiesced to the requirement. Therefore, this application became abandoned for failure to timely file corrected formal drawings or to file a grantable petition traversing the requirement for formal drawings.

When confronted with this situation, whereas applicant contends that drawings were filed on October 7, 2005, prior to the mailing of the Notice of Allowability, in the future, applicant may timely reply in writing (see 37 CFR § 1.2) and traverse such a requirement much as was done in the petition. Also, Applicant has the option to contact the examiner, requesting that he or she, in an Examiner Interview Summary Form or a Supplemental Notice of Allowability, which must be mailed prior to the expiration of the period for reply, upon reconsideration, withdraw any outstanding requirement.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Telephone inquires relating to the filing of the Petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner For Patents
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires relating to this decision may be directed to the undersigned at 703-308-9250.

Cheryl Mcleod
Quality Operations Assistant
Office of the Director
Office of Patent Publications

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.go

LAWRENCE HARBIN
MCINTYRE HARBIN & KING LLP
500 9TH STREET, S.E.
WASHINGTON, DC 20003

COPY MAILED
MAR 0 6 2007
OFFICE OF PETITIONS

In re Application of	:	
Larrick et al.	:	
Application No. 09/251297	:	DECISION ON
Filing or 371(c) Date: 02/17/1999	:	PETITION
Attorney Docket Number: KMH-029COMBO	:	

This is a decision in response to the petition under 37 CFR 1.137(a) or (b), filed October 13 and 16, 2006, to revive the above-identified application.

This Petition under 37 CFR 1.137(a) is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed January 17, 2006. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on April 18, 2006. A Notice of Abandonment was mailed June 7, 2006.

Applicant filed a petition to withdraw the h9olding of abandonment on September 21, 2006, which was dismissed in a Decision mailed September 26, 2006, as being untimely.

With the instant petition, Applicant has met the requirements of a grantable petition under 37 CFR 1.137(a).

In view of the above, the petition is granted. The application will be referred to Publishing Division for processing into a patent.

A refund of the excess petition fee, $1000.00, has been scheduled via Treasury Check.

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

Derek L. Woods
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

JJGJr.: 06-05

Paper No. 12

WILLIAM PATRICK WATERS
P O BOX 8
SAN MARCOS CA 92079-0008

COPY MAILED

JUN 2 4 2005

OFFICE OF PETITIONS

In re Patent No. 6,168,295	:	
Issued: 2 January, 2001	:	
Application No. 09/251,306	:	DECISION ON PETITION
Filed: 17 February, 1999	:	
Attorney Docket No.: (None)	:	

This is a decision on the petition filed on 21 January, 2005, alleging unintentional delay, under 37 C.F.R. §1.378(c), to accept the delayed payment of the maintenance fee for Patent No. 6,168,295 (the '295 patent).

The request to accept the delayed payment of the maintenance fee is **GRANTED**.

NOTE: The address of record is different from that on the petition papers filed. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

JURISDICTION

The '295 patent issued on 2 January, 2001. The grace period for paying the first maintenance fee expired at midnight Monday, 3 January, 2005, and so the patent itself expired effective midnight 2 January, 2005. Thus, the petition, filed on 21 January, 2005, was timely filed within twenty-four months after the six-month grace period provided in 37 C.F.R. §1.362(e), and Petitioner may petition under 37 C.F.R. §1.378(c) for reinstatement of the '295 patent.

FACTS AND LAW

The Office may accept unintentionally delayed payments of a maintenance fee under under 37

C.F.R. §1.378(c)[1] is the fee is paid within 24 months of the expiration of the patent and Petitioner: (a) files a petition, (b) pays the maintenance fee, (c) pays the surcharge, and (d) makes the statement of unintentional delay.

CONCLUSION

Petitioner has satisfied the statutory and regulatory requirements for the petition. Therefore, the instant petition under 37 C.F.R. §1.378(c) is **granted**, and the first maintenance fee is accepted as of the mail date of this decision.

The instant file is returned to Files Repository.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:
STEVEN C. DONNER
3914 MURPHY CANYON ROAD/A107
SAN DIEGO, CA 92123

---

[1] The regulations at 37 C.F.R. §1.378 provide in pertinent part:

§ 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Commissioner may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Commissioner to have been unavoidable (paragraph (b) of this section) or unintentional (paragraph (c) of this section) and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee. If the Commissioner accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

* * *

(c) Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

(1) The required maintenance fee set forth in § 1.20 (e) through (g);

(2) The surcharge set forth in § 1.20(i)(2); and

(3) A statement that the delay in payment of the maintenance fee was unintentional.

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

(e) Reconsideration of a decision refusing to accept a maintenance fee upon petition filed pursuant to paragraph (a) of this section may be obtained by filing a petition for reconsideration within two months of, or such other time as set in, the decision refusing to accept the delayed payment of the maintenance fee. Any such petition for reconsideration must be accompanied by the petition fee set forth in § 1.17(h). After decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. If the delayed payment of the maintenance fee is not accepted, the maintenance fee and the surcharge set forth in § 1.20(i) will be refunded following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed. Any petition fee under this section will not be refunded unless the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 10

Finnegan, Henderson, Farabow,
Garrett & Dunner LLP
1300 I Street, N.W.
Washington, D.C. 20005-3315

MAIL

MAY 2 9 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Kamran Amjadi)
Application No. 09/251,480) **DECISION ON REQUEST FOR**
Filed: February 17, 1999) **WITHDRAWAL AS ATTORNEY**
For: INCENTIVE NETWORK F)

This is a decision on the Request To Withdraw from Representation filed May 23, 2001.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is deficient in the following aspects: (1) the United States Patent and Trademark Office (Office) does not recognize firms - each attorney for whom withdrawal is requested must be individually listed; (2) there is no statement that Jeffrey A. Berkowitz is signing on behalf of and is ***authorized*** to sign on behalf of the other attorneys; (3) there is no indication that the applicant has been notified of the request for withdrawal. Therefore, the request is **DENIED**.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Office of any change in correspondence address to ensure receipt of all communications from the Office.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

Finnegan, Henderson, Farabow,
Garrett & Dunner L.L.P.
1300 I Street N.W.
Washington, D.C. 20005-3315

MAIL

NOV 2 6 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Kamran Amjadi)
Application No. 09/251,480) **DECISION ON REQUEST FOR**
Filed: February 17, 1999) **WITHDRAWAL AS ATTORNEY**
For: INCENTIVE NETWORK)

This is a decision on the Request To Withdraw from Representation filed June 22, 2001

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

cc: Jason Karp, Esq.
General Counsel
E-centives, Inc.
6903 Rockledge Drive, Suite 1200
Bethesda, Maryland 20817

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 19

JAMES G. GATTO
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
11911 FREEDOM DRIVE, SUITE 400
RESTON, VA 20190

COPY MAILED

SEP 1 1 2002

OFFICE OF PETITIONS

In re Application of	:	
Kamran Amjadi	:	
Application No. 09/251,480	:	ON PETITION
Filed: February 17, 1999	:	
Attorney Docket No. 24122-402	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 22, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 23, 2001.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on August 28, 2002.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a

power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $460.00 extension of time submitted with the petition on August 28, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 2155 for further processing.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: SEAN L. INGRAM
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
12010 SUNSET HILLS ROAD, SUITE 900
RESTON, VA 20190

1-23-08

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : 6,038,187
Inventor(s) : Noureddine EL Hajji
Issued : March 14, 2000
For: PROCESS FOR CONTROLLING A MEMORY PLANE REFRESH OF A DYNAMIC RANDOM-ACCESS MEMORY AND CORRESPONDING RANDOM-ACCESS MEMORY DEVICE

Re. Request for Certificate of Correction

Consideration has been given your request under the provisions of Rule 1.322.

The alleged error on the title page, item [30] c of c lists incorrect number for foreign Priority Application.

In view of the foregoing, your request in this matter is hereby denied.

Further correspondence concerning this matter, should be directed to:

U.S. Patent and Trademark Office
Washington, DC 20231
Attn: Decisions & Certificates of Correction Branch

A certificate of correction will issue to correct the remaining errors noted in your request.

For Mary Diggs
Decisions & Certificate
of Correction Branch
(703) 308-9390 ext.124 or 125

Christopher F. Regan
255 S. Orange Avenue- Suite 1401
P.O. Box 3791
Orlando, FL 32802-3791

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Arlington, VA 22313
www.uspto.gov

Paper No. 9

COPY MAILED
OCT 03 2003
OFFICE OF PETITIONS

Gene Warzecha
Linvatec Corporation
11311 Concept Boulevard
Largo, FL 33773

In re Application of	:	
Robert R. Walls	:	
Application No. 09/252,330	:	ON PETITION
Filed: February 18, 1999	:	
Attorney Docket No. ZL-0140	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 11, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed December 4, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on March 5, 2003.

This application is being forwarded to Technology Center AU 2612 for further processing.

Telephone inquiries regarding this decision may be directed to the undersigned at (703) 308-6911.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

Paper No. 17

ANDREWS & KURTH, L.L.P.
1701 PENNSYLVANIA AVENUE, N.W. SUITE 300
WASHINGTON, DC 20006

COPY MAILED

FEB 17 2004

OFFICE OF PETITIONS

In re Application of
Hendricks et al.
Application No. 09/252,485
Filed: February 18, 1999
Attorney Docket No. 5615

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 21, 2003, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within three months to the final Office action mailed April 10, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on July 11, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $950.00 extension of time fee submitted with the petition on October 21, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 2600 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

24

Paper No. 22

COPY MAILED

JUL 24 2002

OFFICE OF PETITIONS

Christie, Parker, & Hale
350 West Colorado Boulevard
Post Office Box 7068
Pasadena, CA 91109-7068

In re Application of
Samueli et al
Application No. 09/252,551 (Reissue)
Filed: July 11, 2002
Attorney Docket No. 34176/JWE/B6

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.181(a)

This is a decision based solely on petitioners' petition to withdraw the the holding of abandonment under 37 CFR 1.181(a).

The petition to withdraw the holding of abandonment is dismissed as moot. The supplemental notice of allowance mailed February 6, 2002 is vacated as mailed in error, and the holding of abandonment is withdrawn.

A review of the file reflects that on July 6, 2001 the Office mailed a notice of allowance requiring that applicant pay a twelve hunderd hundred and forty dollar ($1240.00) issue fee on or before October 09, 2001. On July 23, 2001 applicant paid the issue fee required by the Office. Subsequent to the payment of the issue fee, on February 6, 2002, the Office mailed a second notice of allowance with a second notice of allowability in response to a change of address, filed July 20, 2001.[1] The second notice of allowability did not require a reply. Furthermore, a second notice of allowance should not have been mailed because the application had not been withdrawn from issue (and the issue fee had been paid). The errant second notice of allowance required a response on or before May 6, 2002 and an additional fee of forty ($40.00) dollars. Petitioners did not respond to the second notice of allowance and on June 3, 2002 the Office mailed a notice of abandonment for failing to timely pay the issue fee. Subsequent to the mailing of the notice of abandonment, the petitioners on July 11, 2002 filed this petition requesting the withdrawal of the holding of abandonment.

---

[1]With the second notice of allowability the examiner indicated that the notice was in response to a paper filed July 20, 2001, a change of applicants' address. However, the supplemental examiner's amendment had nothing to do with a change of address. Rather the second notice of allowability accompanied an examiner's amendment cross referencing related reissue applications at the beginning of the specification. The examiner's amendment adding cross referenced material was to satisfy the requirements of 37 CFR 1.177(a). The examiner should only have mailed a supplemental notice of allowability, and not a second notice of allowance.

The Office will withdraw the holding of the abandoment because a second notice of allowance had, in this application, no force and effect in the absence of withdrawal of this application from issue pursuant to 37 CFR 1.313.[2] A complete reply to the first notice of allowance was filed with the issue fee payment on July 23, 2001. Thus, pursuant to 35 USC 151, the patent was to issue in due course. Absent formal and proper notification by a duly authorized USPTO official, after July 23, 2001, that this application had been withdraw from issue, no proper subsequent notice of allowance could be mailed to petitioners See Harley v. Lehman 981 F. Supp. 9, 11-12, 44 USPQ2d 1699, 1701-1702 (D.D.C 1997). Moreover, the supplemental examiner's amendment which incorporates into the specification all cross references of related reissue applications is not good and sufficent reason why the withdrawal of the application is necessary. Accordingly, the Office the unauthorized mailing of the second notice of allowance is vacated. See ExParte Brunner, 1872 Dec. Comm'r Pat. 62,63 (Comm'r Pat. 1972). As the latter action is vacated, there is no time period running against petitioner and no need to reply to the Notice of Allowance mailed February 6, 2002. Moreover, because the second notice of allowance is vacated, petitioner need not pay the addional $40.00 fee required by the second notice of allowance.

After this decision is mailed, the application will be forwarded to the Office of Patent Publication for issuance of the patent.

Any questions related to this application should de directed to Kery Fries, Legal Advisor, Office of Patent Legal Administration, whose phone number is 703-308-0687.

Brian H

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of Deputy Commissioner
for Patent Examination Policy

---

[2]The petitioners are reminded, for future reference, to reply to any office action timely whether petitioners believe a response is necessary or not. Petitioners could have responded to the notice of allowance by merely pointing out that the second notice of allowance was in error and no further fee was due. By failing to respond to every notice of allowance, petitioners run the risk that the application properly abandoned may be held.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 27

DATE : 12/15/04

TO SPE OF : ART UNIT 2663

SUBJECT : Request for Certificate of Correction on Patent No.: RE37826

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte Newsome

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

SPE

2663

Art Unit

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 12/02/2002 Paper No.: _____

TO : Supervisor, Art Unit 2600

SUBJECT : Certificate of Correction Request in Patent No.: RE 37826

A response to the following question is requested with respect to the accompanying request for a certific of correction.

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should th scope or meaning of the claims be changed.

PLEASE COMPLETE THIS FORM AND
RETURN WITH FILE, WITHIN 7 DAYS,
TO CERTIFICATES OF CORRECTION BRANCH - PK 3-915/922
PALM LOCATION 7580 - TEL. N0. 305-8309

THANK YOU FOR YOUR ASSISTANCE!

Note your decision, regarding the changes requested in the Request for Certificate of Correction, placing a check mark (+) in the box that reflects your decision, which corresponds to the question check above.

☒ **YES** ☐ **NO** ☐ **Comments below**

☐ **Comments:**

Cam T. Nguyen
Supervisor

2663
Art Unit

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

CHADBOURNE & PARKE, LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Jay S. Walker, et. al. :
Application No. 09/252,574 : ON PETITION
Filed: February 18, 1999 :
Attorney Docket No. 17200.018 :

This is a decision on the petition under 37 CFR 1.137(b), filed on July 28, 2008, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the $810 filing fee and an amendment; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED.**

This application is being revived for consideration of the RCE filed on July 28, 2008.

The application file is being referred to Technology Center Art Unit 3625, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 24

Foley and Lardner
3000 K Street, N. W.
Suite 500
Washington, DC 20007-8696

COPY MAILED

JUN 1 4 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Ke-Wen Dong, et al.
Application No. 09/252,828
Filed: February 19, 1999
Attorney Docket No. 024754/0114

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2001, to revive the above-identified application which is being treated as a Petition to Withdraw the Holding of Abandonment.

The petition is **GRANTED**.

A Letter of Non-Responsive Amendment was mailed to applicant on January 3, 2001 setting a one month time limit within which to respond (extensions of time under 37 CFR 1.136 are permitted). Applicant submitted a response on February 5, 2001. A Notice of Abandonment was mailed February 16, 2001 stating that applicant failed to comply with the two notices of non-responsive amendment, dated September 12, 2000 and January 3, 2001. Although the response was not accepted, applicant remains within the extendable time period. Accordingly, this application was erroneously held abandoned. The $620 fee for filing an unintentional petition is unnecessary and has not been charged to petitioner's deposit account. However, a fee of $55 for the one month extension of time has been charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9282.

The application file is being forwarded to Technology Center 1600.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy